

By Mr. CAMPBELL: Resolution of the Western Retail Implement and Vehicle Dealers' Association, favoring enlarged powers for the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the same association, against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the same association, favoring laws to bring trusts under control—to the Committee on Interstate and Foreign Commerce.

Also, petition from citizens of Ozawie and Wichita, Kans., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. CAPRON: Petition of the Massachusetts Wholesale Lumber Dealers' Association, in favor of enlarging the power of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, paper to accompany bill for relief of Horace B. Tanner—to the Committee on Invalid Pensions.

Also, petition of Rhode Island Lodge, No. 390, Brotherhood of Railway Trainmen, favoring bill H. R. 7041—to the Committee on Interstate and Foreign Commerce.

By Mr. CURTIS: Petition of the Seneca (Kans.) Business Men's Club, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. FITZGERALD: Petition of the Ohio Millers' State Association, favoring an extra session of Congress to enact legislation enlarging powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. FOSTER of Vermont: Petition of citizens of Burlington, Windsor, and Windham counties, Vt., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. GARDNER of New Jersey: Petition of members of the Society of Friends of Mooretown, N. J., against further increase of armament on land or sea—to the Committee on Military Affairs.

Also, petition of citizens of Bordentown, N. J., favoring an amendment to the Constitution prohibiting polygamy—to the Committee on the Judiciary.

By Mr. GRIFFITH: Paper to accompany bill for relief of Anna Nodler, wife of Charles Nodler—to the Committee on Pensions.

Also, paper to accompany bill for relief of William Dunlap, of Bartholomew County, Ind.—to the Committee on Pensions.

By Mr. HAMILTON: Petition of citizens of Marcellus, Mich., favoring enlarged power for the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. HASKINS: Petition of citizens of Wolcott, Enosburg, and Johnson, Vt., against passage of bill H. R. 4859—to the Committee on the District of Columbia.

By Mr. HEMENWAY: Resolution of the Indiana legislature, favoring the President's recommendation relative to enlarged powers of the Interstate Commerce Commission in the matter of freight rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of Cigar Makers' Union No. 221, of South Bend, Ind., against reduction of tariff on cigars and tobacco from the Philippines—to the Committee on Ways and Means.

By Mr. HULL: Petition of citizens of Hawarden, Iowa, against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Whittier, Cal., against any change in the canteen law—to the Committee on Military Affairs.

By Mr. JAMES: Resolution of the Kentucky legislature, relative to railway rates, indorsing the recommendations of the President—to the Committee on Interstate and Foreign Commerce.

By Mr. KEHOE: Resolution of the Kentucky legislature, indorsing legislation increasing the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. KINKAID: Petition of citizens of Newport, Nebr., favoring law to insure fair railway freight rates—to the Committee on Interstate and Foreign Commerce.

Also, petition that vicinity residence be deemed compliance with homestead provisions in the segregated strips pending construction of Government irrigation projects—to the Committee on Irrigation of Arid Lands.

By Mr. LUCKING: Petition of citizens of Elk Rapids and Kent County, Mich., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of Thomas T. Ricketts and his wife, L. C. Ricketts—to the Committee on Claims.

By Mr. NORRIS: Petition of citizens of Furnas County,

Nebr., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. OTJEN: Petition of citizens of Wisconsin, against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. PATTERSON of Pennsylvania: Petition of Washington Camp, No. 49, Patriotic Order Sons of America, of Pinegrove, Pa., favoring further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. PORTER: Paper to accompany bill for correcting military record of Joseph B. Moyer, removing charge of desertion—to the Committee on Military Affairs.

By Mr. ROBINSON of Indiana: Petition of Dr. John W. Hays, of Albion, Ind., favoring bill H. R. 17335—to the Committee on the Judiciary.

By Mr. SHOBER: Paper to accompany bill for relief of Eben T. Buswell—to the Committee on War Claims.

By Mr. SIBLEY: Petition of Washington Camp, No. 504, Patriotic Order Sons of America, of Cooksburg, Forest County, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Summit Grange, No. 1155, of St. Marys, Pa., favoring passage of bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of Sugar Creek Grange, Patrons of Husbandry, of Cooperstown, Pa., against repeal of the Grout law—to the Committee on Agriculture.

By Mr. WM. ALDEN SMITH: Petition of the Wolverine Motor Works, of Grand Rapids, Mich., favoring bill H. R. 9302—to the Committee on Ways and Means.

By Mr. SMITH of Texas: Paper to accompany bill for relief of R. G. Childress—to the Committee on Naval Affairs.

By Mr. TALBOTT: Petition of citizens of Fords Store and Winchester, Md., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. TOWNSEND: Petition from Frenchtown Grange, Monroe, Mich., against repeal of the Grout law—to the Committee on Agriculture.

Also, petition from North Lake Grange, Washtenaw County, Mich., against repeal of the Grout law—to the Committee on Agriculture.

By Mr. WEBBER: Paper to accompany bill for relief of Clarence E. Doane—to the Committee on Invalid Pensions.

SENATE.

SATURDAY, February 11, 1905.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BURROWS, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, if there be no objection. The Chair hears none.

SHIP DAVENTRY.

The PRESIDENT pro tempore. The papers accompanying the communication from the Assistant Secretary of Commerce and Labor in relation to the ship *Daventry* are original papers and must be returned to the Department. The Chair asks the adoption of the following order.

The order was read and agreed to, as follows:

Ordered, That the book containing records of the Department of Commerce and Labor in the matter of application for registry of the ship *Daventry*, and transmitted to the Senate in response to resolution of the Senate adopted February 3, 1905, be returned to the Department of Commerce and Labor.

UNCLASSIFIED LANDS IN MONTANA AND IDAHO.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, inclosing a report from the Commissioner of the General Land Office, stating that no classifications have been made by the Board of Mineral Land Commissioners appointed under the act of February 26, 1895, since May, 1901, etc., and recommending the repeal of the law as it relates to unclassified lands in the limits of the Northern Pacific grant in Montana and the Cœur d'Alene grant in Idaho; which, with the accompanying paper, was referred to the Committee on Public Lands, and ordered to be printed.

PROCEEDS OF PUBLIC LANDS IN CALIFORNIA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior transmitting, in response to a resolution of the 2d instant, a letter from the Commissioner of the General Land Office inclosing a statement of the amount of the 5 per cent of the net proceeds of the cash sales of public lands in the State of California to December 31, 1904, inclusive; which, on motion of Mr. PERKINS, was, with the

accompanying papers, referred to the Committee on Public Lands, and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of William H. Poland, administrator of John Poland, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills with amendments; in which it requested the concurrence of the Senate:

S. 3044. An act granting an increase of pension to Lucy McE. Andrews;

S. 3372. An act granting a pension to Mary A. O'Brien;

S. 4156. An act for the establishment of public-convenience stations in the District of Columbia;

S. 4208. An act granting an increase of pension to Bessy Forsyth Bache; and

S. 5718. An act granting an increase of pension to Alma L'Hommiedieu Ruggles.

The message also announced that the House had passed the following bills:

S. 41. An act granting an increase of pension to Sarah E. Gillette;

S. 139. An act granting an increase of pension to Solomon Knight;

S. 173. An act granting an increase of pension to John G. Haskell;

S. 459. An act granting an increase of pension to William H. Trevillian;

S. 1258. An act to amend the act entitled "An act to better define and regulate the rights of aliens to hold and own real estate in the Territories," approved March 2, 1897;

S. 1452. An act granting an increase of pension to Mahala Forkner;

S. 1560. An act granting an increase of pension to William Sweet;

S. 1562. An act granting an increase of pension to Riley W. Cavins;

S. 1565. An act granting an increase of pension to Samuel N. Rockhold;

S. 1724. An act granting an increase of pension to Sarah F. McCune;

S. 2031. An act granting an increase of pension to Henry W. Gay;

S. 2107. An act granting an increase of pension to Andrew R. McCurdy;

S. 2193. An act granting a pension to William Penn Mack;

S. 2240. An act granting an increase of pension to Samuel B. Mann;

S. 2256. An act granting an increase of pension to John Spriggs;

S. 2291. An act granting an increase of pension to William W. Rollins;

S. 2464. An act granting an increase of pension to John Ayler;

S. 2538. An act granting an increase of pension to Samuel A. Thomas;

S. 2674. An act granting a pension to Ellen Orr;

S. 2731. An act granting an increase of pension to John R. McCullough;

S. 2977. An act granting an increase of pension to Andrew J. Larrabee;

S. 2986. An act granting an increase of pension to William Barkis;

S. 3023. An act granting an increase of pension to Sanford S. Henderson;

S. 3194. An act granting an increase of pension to Stephen Gilbert;

S. 3378. An act granting an increase of pension to Jacob H. Heck;

S. 3389. An act granting an increase of pension to Joel Carpenter;

S. 3392. An act granting an increase of pension to Cyrus N. Bradley;

S. 3467. An act granting an increase of pension to Emmory A. Wood;

S. 3660. An act granting an increase of pension to Mary Oakley;

S. 3662. An act granting an increase of pension to William A. Wilkins;

S. 3722. An act granting a pension to John W. Victor;

S. 3731. An act granting an increase of pension to Arthur F. McNally;

S. 3841. An act granting an increase of pension to John M. Bigger;

S. 3897. An act granting an increase of pension to Gabriel H. Adams;

S. 3914. An act granting an increase of pension to John W. Branch;

S. 3934. An act granting a pension to Susan E. Bellows;

S. 3953. An act granting an increase of pension to Thomas L. Sanborn;

S. 4025. An act granting a pension to Mary E. Chamberlain;

S. 4073. An act granting an increase of pension to Comfort W. Watson;

S. 4101. An act granting an increase of pension to James H. Cate;

S. 4123. An act granting an increase of pension to George Simms;

S. 4128. An act granting an increase of pension to Peter Kaufman;

S. 4214. An act granting an increase of pension to Ella M. Roberts;

S. 4215. An act granting an increase of pension to Henry Berkstresser;

S. 4492. An act granting a pension to Joseph F. Kelly;

S. 4508. An act granting an increase of pension to John M. Bybee;

S. 4573. An act granting an increase of pension to Mary C. Buck;

S. 4605. An act granting an increase of pension to Charles R. Schmidt;

S. 4619. An act granting a pension to Anna L. Bartleson;

S. 4680. An act granting an increase of pension to Samuel T. Dickson;

S. 4681. An act granting an increase of pension to John H. Stubbs;

S. 4749. An act granting an increase of pension to Martha J. Patterson;

S. 4775. An act granting a pension to Garetta L. Hodgkins;

S. 4814. An act granting an increase of pension to Marcia H. Edgerly;

S. 4850. An act granting an increase of pension to Sarah V. Matlack;

S. 4886. An act granting a pension to Mary A. Massey;

S. 5059. An act granting an increase of pension to Tobias Meader;

S. 5072. An act granting an increase of pension to Samuel McNeil;

S. 5157. An act granting an increase of pension to Cellina H. Stephens;

S. 5233. An act granting an increase of pension to Susan A. Reynolds;

S. 5234. An act granting an increase of pension to John R. Leavens;

S. 5240. An act granting an increase of pension to Hugh R. Barnard;

S. 5253. An act granting an increase of pension to Joseph Mort;

S. 5316. An act granting a pension to Thomas Pickford;

S. 5322. An act granting an increase of pension to Perley B. Dickerson;

S. 5323. An act granting an increase of pension to William Geyser;

S. 5344. An act granting a pension to Martha T. Hamlin;

S. 5391. An act granting an increase of pension to Lucretia Johnson;

S. 5392. An act granting an increase of pension to William W. Willis;

S. 5463. An act granting an increase of pension to John M. C. Sowers;

S. 5499. An act granting a pension to Matilda J. Henderson;

S. 5518. An act granting a pension to Bernard J. Boldermann;

S. 5539. An act granting an increase of pension to Albion L. Mitchell;

S. 5577. An act granting an increase of pension to La Fayette Smith;

S. 5651. An act granting a pension to Georgianna Eubanks;

S. 5669. An act granting an increase of pension to Alexander Hay;

S. 5705. An act granting a pension to Mary L. Faunt Le Roy;

S. 5813. An act granting an increase of pension to Herbert E. Farnsworth;

- S. 5819. An act granting an increase of pension to Samuel K. Long;
- S. 5865. An act granting an increase of pension to Foster W. Gassett;
- S. 5903. An act granting an increase of pension to Patrick Duffy;
- S. 5960. An act granting an increase of pension to John A. Sargent;
- S. 5999. An act granting an increase of pension to William H. White;
- S. 6025. An act granting an increase of pension to Belle K. Theaker;
- S. 6026. An act granting an increase of pension to Stephen Girard Nichols;
- S. 6029. An act granting a pension to Ursula Bayard;
- S. 6042. An act granting an increase of pension to James V. Williams;
- S. 6087. An act granting an increase of pension to Salmon S. Matthews;
- S. 6097. An act granting an increase of pension to Thomas M. Clark;
- S. 6098. An act granting an increase of pension to Seth Lewis;
- S. 6115. An act granting an increase of pension to Edmund B. Kanada;
- S. 6134. An act granting a pension to Mary Elizabeth McClaren;
- S. 6155. An act granting an increase of pension to Matthew F. Locke;
- S. 6171. An act granting an increase of pension to Fannie C. Avis;
- S. 6174. An act granting an increase of pension to Chittle Chittleston;
- S. 6188. An act granting an increase of pension to William Sartwell;
- S. 6218. An act granting an increase of pension to Adam E. King;
- S. 6224. An act granting an increase of pension to Anna M. Benny;
- S. 6289. An act granting a pension to Charles Norris;
- S. 6344. An act granting an increase of pension to Richard B. Dickinson;
- S. 6346. An act granting an increase of pension to Benjamin F. Sheppard;
- S. 6348. An act granting an increase of pension to Richard E. Hyde;
- S. 6381. An act granting an increase of pension to John Hamilton;
- S. 6402. An act granting an increase of pension to Samuel Lewis;
- S. 6414. An act granting an increase of pension to John O'Kief;
- S. 6438. An act granting a pension to Cyrell Boutiette;
- S. 6439. An act granting an increase of pension to Thomas Conroy;
- S. 6444. An act granting an increase of pension to Melkert H. Burton;
- S. 6445. An act granting an increase of pension to Lizzie A. Holden;
- S. 6446. An act granting an increase of pension to John McGowan;
- S. 6475. An act granting an increase of pension to Isaac Slater;
- S. 6526. An act granting an increase of pension to Stephen A. Cox;
- S. 6548. An act granting an increase of pension to Levincy Walker;
- S. 6549. An act granting an increase of pension to Charles T. West;
- S. 6550. An act granting a pension to Jane Johns;
- S. 6553. An act granting an increase of pension to Orlando Kennedy;
- S. 6554. An act granting an increase of pension to Martin Gillett;
- S. 6586. An act granting an increase of pension to Laura E. Campbell;
- S. 6605. An act granting an increase of pension to Simeon V. Sherwood;
- S. 6654. An act granting an increase of pension to Stephen Dampier;
- S. 6699. An act granting an increase of pension to Moses Frost;
- S. 6718. An act granting an increase of pension to Nathaniel Salg;
- S. 6728. An act granting an increase of pension to Charles W. Cowing;
- S. 6799. An act granting a pension to Ezra Walker Abbott; and
- S. 6923. An act for the construction of a private conduit across D street NW.
- The message further announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:
- H. R. 465. An act granting a pension to Erwin Fancher;
- H. R. 746. An act granting an increase of pension to William H. Gilman;
- H. R. 778. An act to remove the charge of desertion from the military record of Nicholas Swingle;
- H. R. 786. An act granting an increase of pension to Joseph V. Howell;
- H. R. 928. An act granting an increase of pension to Mark S. Clay;
- H. R. 1266. An act granting an increase of pension to Marshall Cox;
- H. R. 1865. An act granting an increase of pension to Ormon W. Walsh;
- H. R. 2465. An act granting an increase of pension to Mary A. Craig;
- H. R. 2479. An act granting an increase of pension to Lander Robinson;
- H. R. 2487. An act granting an increase of pension to John M. Rutherford;
- H. R. 2695. An act granting an increase of pension to Christopher C. Cash;
- H. R. 2992. An act granting an increase of pension to Solomon B. Umphrey;
- H. R. 3014. An act granting a pension to Louis Melcher;
- H. R. 3061. An act granting an increase of pension to John H. Hardy, third;
- H. R. 3175. An act granting an increase of pension to James H. Pemberton;
- H. R. 3526. An act granting an increase of pension to Mary H. Walker;
- H. R. 3828. An act granting a pension to Lucian L. Tothacer.
- H. R. 3900. An act granting an increase of pension to William W. Donham.
- H. R. 3914. An act granting a pension to James M. Redick.
- H. R. 4454. An act granting an increase of pension to Andrew F. Kraner;
- H. R. 4721. An act granting an increase of pension to Thomas Hutchinson;
- H. R. 4984. An act granting an increase of pension to Charles F. Bowman;
- H. R. 5000. An act granting an increase of pension to Jackson D. Siner;
- H. R. 5297. An act granting an increase of pension to Hampton L. Maxfield;
- H. R. 5623. An act granting an increase of pension to Annie Creagh;
- H. R. 5662. An act granting a pension to Julia Nolan;
- H. R. 5701. An act granting an increase of pension to James M. Harper;
- H. R. 5730. An act granting an increase of pension to James McEntire;
- H. R. 6381. An act granting a pension to Chester Heiner, alias Justus Hahner;
- H. R. 6439. An act granting a pension to Malinda McBride;
- H. R. 6846. An act granting a pension to Sibba Miller;
- H. R. 6910. An act granting an increase of pension to Mary E. Campbell;
- H. R. 6992. An act granting an increase of pension to Isaac B. Vandevanter;
- H. R. 7060. An act granting an increase of pension to Palin H. Sims;
- H. R. 7218. An act granting an increase of pension to Alfred F. Clarke;
- H. R. 7423. An act granting an increase of pension to Thomas D. Fitch.
- H. R. 7429. An act granting an increase of pension to John Q. Converse.
- H. R. 7443. An act granting an increase of pension to William Henry Lewis;
- H. R. 7518. An act granting an increase of pension to Eliza Flynn;
- H. R. 7593. An act granting an increase of pension to Charles H. McGee;
- H. R. 7716. An act granting an increase of pension to John W. McIntyre;
- H. R. 8223. An act granting a pension to John J. Macentee;
- H. R. 8352. An act granting an increase of pension to John Salsbury;
- H. R. 8478. An act granting a pension to John H. Pepper;

- H. R. 8626. An act granting an increase of pension to Rosa Rossiter;
 H. R. 8791. An act granting a pension to Mae H. Tyler;
 H. R. 8810. An act granting an increase of pension to Benjamin Shaffer;
 H. R. 8820. An act granting an increase of pension to Thomas L. Judd;
 H. R. 9059. An act granting a pension to Cephas W. Parr;
 H. R. 9130. An act granting an increase of pension to Charles Van Wey;
 H. R. 9244. An act granting a pension to Enoch Voyles;
 H. R. 9367. An act granting a pension to James T. Collier;
 H. R. 9458. An act granting an increase of pension to Martha A. Harper;
 H. R. 9478. An act granting an increase of pension to Austin P. Hemphill;
 H. R. 9598. An act granting an increase of pension to Ambrose N. Smith;
 H. R. 9772. An act granting an increase of pension to Z. T. Miller;
 H. R. 10039. An act granting an increase of pension to Margaret C. Hecker;
 H. R. 10210. An act granting an increase of pension to Chester S. Rockwell;
 H. R. 10244. An act granting an increase of pension to George W. Nance;
 H. R. 10487. An act granting an increase of pension to Almira Carico;
 H. R. 10506. An act granting an increase of pension to Charles H. Gardner;
 H. R. 10649. An act granting an increase of pension to Lucius Harrington;
 H. R. 10804. An act granting an increase of pension to Sarah Kearney;
 H. R. 10837. An act granting an increase of pension to Elizabeth A. Copper;
 H. R. 11014. An act granting an increase of pension to Robert L. Duncan;
 H. R. 11105. An act granting an increase of pension to Peter Fournier;
 H. R. 11142. An act granting an increase of pension to Charles H. L. Groffmann;
 H. R. 11316. An act granting an increase of pension to Daniel J. Nunnemaker;
 H. R. 11833. An act granting a pension to Jennie B. Johnston, formerly Blackburn;
 H. R. 11861. An act granting a pension to Sarah E. Hayner;
 H. R. 11903. An act granting a pension to Bertha C. Hoffmeister;
 H. R. 12093. An act granting an increase of pension to Sarah A. McMurtrie;
 H. R. 12324. An act granting an increase of pension to Sarah J. Dickens;
 H. R. 12411. An act granting an increase of pension to Joseph D. Walser;
 H. R. 12486. An act granting an increase of pension to Andrew Deming;
 H. R. 12670. An act granting an increase of pension to William Nease;
 H. R. 12705. An act granting an increase of pension to Moss C. Davis;
 H. R. 12724. An act granting an increase of pension to Richard L. Davis;
 H. R. 12753. An act granting an increase of pension to James M. Martin;
 H. R. 12810. An act granting an increase of pension to Octavia J. Trull;
 H. R. 13061. An act granting an increase of pension to Henry S. Tillinghast;
 H. R. 13316. An act granting a pension to Phebe Damoth;
 H. R. 13370. An act granting an increase of pension to Silas S. Perry;
 H. R. 13444. An act granting an increase of pension to Eugene H. Harding;
 H. R. 13447. An act granting an increase of pension to Nancy A. Rickman;
 H. R. 13486. An act granting an increase of pension to Henry Hovey;
 H. R. 13503. An act granting an increase of pension to Catharine J. Hill;
 H. R. 13541. An act granting an increase of pension to Ephraim E. Lake;
 H. R. 13881. An act granting an increase of pension to Nancy Gabriel;
 H. R. 13888. An act granting a pension to Elizabeth Augusta Russell;
 H. R. 13905. An act granting an increase of pension to Moses Jones;
 H. R. 13999. An act granting a pension to Charles S. Abney;
 H. R. 14021. An act granting an increase of pension to Henry C. Earle;
 H. R. 14034. An act granting an increase of pension to Edward C. Sanders;
 H. R. 14271. An act granting an increase of pension to John C. Tinker;
 H. R. 14393. An act granting an increase of pension to Deborah W. Annable;
 H. R. 14410. An act granting an increase of pension to Moses F. Colby;
 H. R. 14456. An act granting an increase of pension to Henry Leichy;
 H. R. 14594. An act granting an increase of pension to Mary E. Williams;
 H. R. 14759. An act granting a pension to Minnie C. O'Connor;
 H. R. 14771. An act granting an increase of pension to Alexander Hawkins;
 H. R. 14958. An act granting an increase of pension to Hiram Burkholder;
 H. R. 15018. An act granting an increase of pension to Joel V. Green;
 H. R. 15045. An act granting an increase of pension to William L. Waterman;
 H. R. 15096. An act granting an increase of pension to Isaiah S. Winters;
 H. R. 15149. An act granting a pension to Clara G. Bacon;
 H. R. 15151. An act granting an increase of pension to Rebecca C. Goodson;
 H. R. 15156. An act granting a pension to Felix G. Walker;
 H. R. 15158. An act granting an increase of pension to Alexander Lessley;
 H. R. 15262. An act granting an increase of pension to Charles Brick;
 H. R. 15349. An act granting an increase of pension to George C. Smith;
 H. R. 15705. An act granting an increase of pension to James M. Champe;
 H. R. 15715. An act granting a pension to Horace G. Robison, alias Frank Cammel;
 H. R. 15727. An act granting an increase of pension to Lotwig Evans;
 H. R. 15748. An act granting an increase of pension to Evan E. Young;
 H. R. 15750. An act granting an increase of pension to William Bechtel;
 H. R. 15778. An act granting an increase of pension to Michael Hanberry;
 H. R. 15789. An act granting an increase of pension to Samuel Bickford;
 H. R. 15873. An act granting an increase of pension to Sarah T. Moffett;
 H. R. 15884. An act granting a pension to Julia R. Jones;
 H. R. 15904. An act granting an increase of pension to John K. Hughes;
 H. R. 15961. An act granting an increase of pension to Henry Frederick;
 H. R. 16035. An act granting an increase of pension to Church Fortner;
 H. R. 16056. An act granting a pension to Frances Kirtland;
 H. R. 16089. An act granting a pension to Amanda Chaterson;
 H. R. 16131. An act granting an increase of pension to William W. Clift;
 H. R. 16137. An act granting a pension to Leocardia F. Flowers;
 H. R. 16148. An act granting an increase of pension to Matthew McKown;
 H. R. 16155. An act granting an increase of pension to John H. Barton;
 H. R. 16222. An act granting an increase of pension to Elias W. Ticknor;
 H. R. 16261. An act granting an increase of pension to Andrew T. Welman;
 H. R. 16266. An act to remove the charge of desertion from the record of Henry Beeger;
 H. R. 16304. An act granting a pension to Mary Damm;
 H. R. 16328. An act granting a pension to Lois E. Bliss, formerly Motter;

H. R. 16345. An act granting an increase of pension to George Whitfield;
 H. R. 16389. An act granting an increase of pension to George F. Robinson;
 H. R. 16394. An act granting an increase of pension to Sarah C. Johnson;
 H. R. 16412. An act granting an increase of pension to Henry C. Steadman;
 H. R. 16464. An act granting an increase of pension to Austin Handy;
 H. R. 16505. An act granting an increase of pension to Frances F. Mower;
 H. R. 16514. An act granting an increase of pension to Robert W. Patrick;
 H. R. 16519. An act granting an increase of pension to Mary E. Quick;
 H. R. 16527. An act granting an increase of pension to Francis A. Heath;
 H. R. 16623. An act granting an increase of pension to George H. Hitchcock;
 H. R. 16648. An act granting a pension to John F. Tatham;
 H. R. 16649. An act granting an increase of pension to Hans Anderson;
 H. R. 16660. An act granting an increase of pension to Joseph Rumell;
 H. R. 16686. An act granting an increase of pension to Benjamin T. Martin;
 H. R. 16688. An act granting an increase of pension to William F. Robertson;
 H. R. 16692. An act granting an increase of pension to Gertrude L. Tallman;
 H. R. 16725. An act granting an increase of pension to Gates D. Parish;
 H. R. 16743. An act granting an increase of pension to John Glass;
 H. R. 16805. An act granting an increase of pension to Frederick A. Bird;
 H. R. 16814. An act granting an increase of pension to William S. Lyon;
 H. R. 16818. An act granting an increase of pension to Levi Fleming;
 H. R. 16831. An act granting an increase of pension to Isaac Hanks;
 H. R. 16843. An act granting an increase of pension to Henry Mountz;
 H. R. 16853. An act granting an increase of pension to Alfred Frost;
 H. R. 16773. An act granting a pension to John Mather;
 H. R. 16864. An act granting an increase of pension to George M. Tuley;
 H. R. 16878. An act granting an increase of pension to William Spriggs;
 H. R. 16927. An act granting a pension to Mary Soupene;
 H. R. 16943. An act granting an increase of pension to Lucy E. Rumer;
 H. R. 16959. An act granting an increase of pension to Andrew J. Wilde;
 H. R. 17034. An act granting an increase of pension to Augustus W. Thompson;
 H. R. 17045. An act granting an increase of pension to William A. Forbes;
 H. R. 17058. An act granting an increase of pension to Oscar Getman;
 H. R. 17061. An act granting an increase of pension to Arthur E. Strimple;
 H. R. 17065. An act granting an increase of pension to George F. Griffith, alias Frank W. Morton;
 H. R. 17079. An act granting an increase of pension to Edmund G. Ross;
 H. R. 17090. An act granting an increase of pension to Catharine Conway;
 H. R. 17130. An act granting an increase of pension to Edward Donnelly;
 H. R. 17146. An act granting an increase of pension to William Carter;
 H. R. 17163. An act granting an increase of pension to Elizabeth Jackson;
 H. R. 17205. An act granting an increase of pension to Patrick Haley;
 H. R. 17230. An act granting an increase of pension to Richard Desmond;
 H. R. 17238. An act granting an increase of pension to Andrew J. Herod;
 H. R. 17280. An act granting an increase of pension to Ogden Lewis;

H. R. 17293. An act granting an increase of pension to Joseph Stewart;
 H. R. 17304. An act granting an increase of pension to William Dustin;
 H. R. 17306. An act granting an increase of pension to George Dallison;
 H. R. 17329. An act granting an increase of pension to Abraham Roberts;
 H. R. 17362. An act granting a pension to Nancy Bedford;
 H. R. 17368. An act granting an increase of pension to Julius A. Mahurin;
 H. R. 17379. An act granting an increase of pension to James P. McCleery;
 H. R. 17408. An act granting an increase of pension to Charley Franklin;
 H. R. 17413. An act granting an increase of pension to Mary E. Brown;
 H. R. 17418. An act granting an increase of pension to Margaret J. Valentine;
 H. R. 17421. An act granting a pension to Jesse M. Noblitt;
 H. R. 17425. An act granting a pension to Annie M. Kloeppel;
 H. R. 17481. An act authorizing the Alexandria, Bayou Macon and Greenville Railway Company to construct bridges over Red River, Little River, Ouachita River, and Bayou Louis, in Louisiana;
 H. R. 17514. An act granting an increase of pension to John H. Williams;
 H. R. 17544. An act granting an increase of pension to Stephen M. Fisk;
 H. R. 17559. An act granting an increase of pension to Joseph Wilkes;
 H. R. 17616. An act granting a pension to Delila Dyer;
 H. R. 17621. An act granting a pension to George H. Barrows;
 H. R. 17622. An act granting an increase of pension to Edwin S. Pierce;
 H. R. 17627. An act granting an increase of pension to Michael Daniel Kernan;
 H. R. 17632. An act granting a pension to James H. Thomas;
 H. R. 17639. An act granting an increase of pension to Charles F. Junken;
 H. R. 17661. An act granting an increase of pension to Darius H. Whitcomb;
 H. R. 17668. An act granting an increase of pension to Rosina Tyler;
 H. R. 17680. An act granting an increase of pension to George Hayes;
 H. R. 17682. An act granting an increase of pension to William Ross Hartshorne;
 H. R. 17691. An act granting an increase of pension to Andrew J. Brann;
 H. R. 17716. An act granting an increase of pension to William B. White;
 H. R. 17737. An act granting an increase of pension to John F. Bonnell;
 H. R. 17804. An act granting an increase of pension to Francis W. Edgerly;
 H. R. 17810. An act granting an increase of pension to Cyrus Van Cott;
 H. R. 17811. An act granting an increase of pension to John G. Penrose;
 H. R. 17819. An act granting an increase of pension to Robert W. Callahan;
 H. R. 17828. An act granting an increase of pension to Patrick Haney;
 H. R. 17832. An act granting an increase of pension to Malinda Peak;
 H. R. 17877. An act granting a pension to Joseph E. Green;
 H. R. 17914. An act granting a pension to Maria W. Shaul;
 H. R. 17918. An act granting an increase of pension to Hiram H. Terwilliger;
 H. R. 17922. An act granting an increase of pension to Ann E. Snyder;
 H. R. 17934. An act to provide for a land district in Wasatch and Uinta counties, in the State of Utah, to be known as the "Uinta land district," and for other purposes;
 H. R. 17962. An act granting a pension to Chauncey B. Jones;
 H. R. 17973. An act granting an increase of pension to Bridget Enright;
 H. R. 17976. An act granting an increase of pension to Joseph C. Kinsey;
 H. R. 18004. An act granting an increase of pension to Thomas R. Boss;
 H. R. 18019. An act granting an increase of pension to Hannah E. Codington;

- H. R. 18027. An act granting an increase of pension to Isaac Sloan;
- H. R. 18030. An act granting an increase of pension to Leonard Hammond;
- H. R. 18033. An act granting a pension to John L. Croom;
- H. R. 18050. An act granting an increase of pension to John Keough;
- H. R. 18051. An act granting an increase of pension to Orson M. Markcum;
- H. R. 18077. An act granting an increase of pension to Jacob Koonsman;
- H. R. 18082. An act granting an increase of pension to John Brown;
- H. R. 18083. An act granting an increase of pension to Philip Chace;
- H. R. 18086. An act granting an increase of pension to James Eastland;
- H. R. 18089. An act granting a pension to Abby E. Burritt;
- H. R. 18090. An act granting an increase of pension to John Clougharty;
- H. R. 18092. An act granting an increase of pension to William A. Moore;
- H. R. 18094. An act granting a pension to Clara I. Ashbury;
- H. R. 18101. An act granting an increase of pension to Susan A. Demarest;
- H. R. 18102. An act granting an increase of pension to Frank Langdon;
- H. R. 18103. An act granting an increase of pension to Willis Booker;
- H. R. 18113. An act granting an increase of pension to William Bottenberg;
- H. R. 18116. An act granting an increase of pension to Abram H. Bedell;
- H. R. 18132. An act granting an increase of pension to Daniel J. Meeds;
- H. R. 18135. An act granting an increase of pension to Jemima Rosencrans;
- H. R. 18145. An act granting an increase of pension to William H. Leonard;
- H. R. 18182. An act granting an increase of pension to James Bothwell;
- H. R. 18187. An act granting an increase of pension to William W. Moore;
- H. R. 18188. An act granting an increase of pension to William Mock;
- H. R. 18194. An act granting an increase of pension to William H. Lybe;
- H. R. 18220. An act granting an increase of pension to Mary Cushing Hall;
- H. R. 18239. An act granting an increase of pension to George W. Farmer;
- H. R. 18264. An act granting an increase of pension to Frank Schumer;
- H. R. 18271. An act granting an increase of pension to Bernard Bowers, alias Bernard Banee;
- H. R. 18273. An act granting an increase of pension to Soren Julius Thor Straten;
- H. R. 18309. An act granting an increase of pension to William H. Washburn;
- H. R. 18310. An act granting an increase of pension to Sinnett A. Duling;
- H. R. 18317. An act correcting the military record of George H. Pidge, of North Loup, Nebr.;
- H. R. 18319. An act granting an increase of pension to Green B. Waller;
- H. R. 18322. An act granting a pension to Josephine Drinkwater;
- H. R. 18339. An act granting an increase of pension to Lot Leguin Godfrey;
- H. R. 18340. An act granting an increase of pension to Augustus Galen;
- H. R. 18345. An act granting an increase of pension to Thomas S. Peck;
- H. R. 18357. An act granting an increase of pension to George N. Ward;
- H. R. 18364. An act granting a pension to Sophronia E. Wilshire;
- H. R. 18370. An act granting an increase of pension to Mary Casey;
- H. R. 18371. An act granting a pension to William H. Kendall;
- H. R. 18372. An act granting an increase of pension to Chapman Mann;
- H. R. 18383. An act granting an increase of pension to James H. Phelps;
- H. R. 18386. An act granting an increase of pension to Zachariah Hall;
- H. R. 18388. An act granting an increase of pension to Joseph Ferguson;
- H. R. 18389. An act granting an increase of pension to Francis A. Tabor;
- H. R. 18391. An act granting an increase of pension to Ephraim F. Hays;
- H. R. 18394. An act granting an increase of pension to George W. Drye;
- H. R. 18396. An act granting an increase of pension to Louvenia Clark;
- H. R. 18432. An act granting a pension to Myrtle Cole;
- H. R. 18433. An act granting an increase of pension to Bethel Coopwood;
- H. R. 18438. An act granting an increase of pension to Catharine Loxley;
- H. R. 18453. An act granting an increase of pension to Jacob C. Ryan;
- H. R. 18460. An act granting an increase of pension to Thomas Sellers;
- H. R. 18475. An act granting an increase of pension to Linda S. Anderson;
- H. R. 18479. An act granting a pension to Hettie Fletcher;
- H. R. 18481. An act granting a pension to Paul G. Morgan;
- H. R. 18512. An act granting a pension to Mary O'Dea;
- H. R. 18556. An act granting a pension to Lovina Stokes;
- H. R. 18562. An act granting a pension to Martha A. Tompkins;
- H. R. 18575. An act granting a pension to Vina Morton;
- H. R. 18607. An act granting an increase of pension to William C. Alexander;
- H. R. 18615. An act granting an increase of pension to Jeremiah Carbaugh;
- H. R. 18621. An act granting a pension to Louise M. Atkins;
- H. R. 18628. An act granting an increase of pension to Anthony Weaver;
- H. R. 18629. An act granting an increase of pension to Sarah A. Rowe;
- H. R. 18631. An act granting an increase of pension to Henry D. Fulton;
- H. R. 18683. An act granting an increase of pension to John Schneider;
- H. R. 18684. An act granting an increase of pension to Margaret L. Hance;
- H. R. 18687. An act granting an increase of pension to Sarah Hall Johnston;
- H. R. 18697. An act granting an increase of pension to Jordan Garrett, now known as Jordan Freeman;
- H. R. 18730. An act granting an increase of pension to Alfred M. Connor, alias Alfred C. Morris;
- H. R. 18745. An act granting a pension to William T. Chipman;
- H. R. 18760. An act granting an increase of pension to William M. Short;
- H. R. 18777. An act granting an increase of pension to Eusebia N. Perkins;
- H. R. 18778. An act granting a pension to Francis Gentzsch;
- H. R. 18779. An act granting an increase of pension to Israel N. Green;
- H. R. 18796. An act granting a pension to William M. Smith;
- H. R. 18806. An act granting a pension to Baron Proctor;
- H. R. 18824. An act granting a pension to Nimrod W. Watson; and
- H. J. Res. 193. Joint resolution providing for the publication of 3,000 copies of Bulletin No. 27 of the Bureau of Animal Industry, entitled "Information Concerning the Angora Goat."
- [Subsequently the foregoing House pension bills were severally read twice by their titles, and referred to the Committee on Pensions.]

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President pro tempore:

H. R. 10516. An act for the relief of Edward J. Farrell;

H. R. 17350. An act declaring Grand River to be not a navigable stream;

H. R. 18207. An act to amend sections 1, 5, and 6 of an act entitled "An act authorizing the construction of a wagon, toll, and electric-railway bridge over the Missouri River at Lexington, Mo.," approved April 28, 1904, extending the provisions thereof to steam-railway cars, locomotives, and other motive power, and extending the time for commencing actual construction of said bridge;

H. R. 18428. An act to authorize the Leckrone and Little Whiteley Railroad Company to construct and maintain a bridge across the Monongahela River;

H. J. Res. 184. Joint resolution authorizing the Secretary of War to furnish a condemned cannon to the armory at St. Paul, Minn., to construct a memorial tablet; and

H. J. Res. 213. Joint resolution for appointment of a member of Board of Managers of the National Home for Disabled Volunteer Soldiers.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a joint memorial of the legislature of New Mexico, remonstrating against the passage in its present form of House bill 17939, providing for the construction of a dam and reservoir on the Rio Grande River in New Mexico, and for other purposes; which was referred to the Committee on Foreign Relations, and ordered to be printed.

He also presented the petition of C. W. Post, of Washington, D. C., praying for the expulsion of Hon. THOMAS C. PLATT from the Senate of the United States; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the American Hardware Association, praying for the appointment of a commission to revise the laws relating to public lands; which was referred to the Committee on Public Lands.

Mr. DEPEW presented sundry petitions of citizens of New York, praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Troy, N. Y., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Little Valley, Cattaraugus, Fredonia, Gowanda, Randolph, Buffalo, and Albany, all in the State of New York, praying for the enactment of legislation providing that any allotments which may be made of the Osage Reservation in Oklahoma Territory shall be subject to the terms and conditions of a certain lease dated March 16, 1896; which were referred to the Committee on Indian Affairs.

Mr. GALLINGER presented a memorial of the Central Labor Union of Washington, D. C., remonstrating against the granting of a further monopoly of the streets in Washington City to the Capital Traction Company and the Washington Electric Railway Company; which was referred to the Committee on the District of Columbia.

He also presented the petition of J. R. Daniels, of the city of Washington, praying for the enactment of legislation to establish a juvenile court in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Newington, N. H., and a petition of the Woman's Christian Temperance Union of Laconia, N. H., praying for an investigation of the charges made and filed against Hon. REED SMOOR, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. PERKINS presented a joint resolution of the legislature of California, relative to the establishment of a national park at "The Pinnacles," in that State; which was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

[Telegram.]

STATE CAPITOL,
Sacramento, Cal., February 10, 1905.

Hon. GEORGE C. PERKINS,
Senator, Washington, D. C.

Assembly joint resolution No. 1.

Whereas there is situated in southern San Benito County, in townships 16 and 17 south, range 7 east, M. D. M., a large body of conglomerate rocks called "The Pinnacles," and which are the largest conglomerate boulders in the world, forming natural bridges, caves, and gorges, and are truly wonders of nature; and

Whereas all of said land is Government land excepting about 200 acres, which said Government land has been withdrawn from entry pending an investigation by the Federal Government into the merits of The Pinnacles as a site for the establishment of a national park: Now, therefore, be it

Resolved, by the senate and assembly of the State of California, That we hereby indorse (that) establishment of a national park at The Pinnacles by the Federal Government: Be it further

Resolved, That our Senators and Representatives in Congress be requested to aid in the establishment of said national park by the Federal Government.

I hereby certify that the above is a correct copy of assembly joint resolution No. 1, adopted by senate and assembly.

CLIO LLOYD,
Chief Clerk of the Assembly.

Mr. PERKINS presented a memorial of the Manufacturers and Producers' Association of San Francisco, Cal., and a memorial of the Chamber of Commerce of Marysville, Cal., remonstrating against the enactment of legislation giving to the In-

terstate Commerce Commission the arbitrary right to fix freight rates on railroads; which were referred to the Committee on Interstate Commerce.

He also presented a memorial of sundry citizens of San Francisco, Cal., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sundays; which was referred to the Committee on the District of Columbia.

Mr. DILLINGHAM presented a petition of Passumpsic Division, No. 163, Brotherhood of Locomotive Engineers, of Newport, Vt., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented a petition of 32 citizens of Caledonia, Vt., praying for the enactment of legislation to acknowledge the authority of Christ and of the law of God in the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. FOSTER of Washington presented a petition of Mount Pleasant Grange, No. 197, Patrons of Husbandry, of Mount Pleasant, Wash., praying for the passage of the so-called "good-roads bill;" which was ordered to lie on the table.

Mr. FULTON presented a memorial of sundry citizens of Hill County, Oreg., and a memorial of sundry citizens of Montevilla, Oreg., remonstrating against the enactment of legislation providing for the closing on Sunday of certain places of business in the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. GAMBLE presented the memorials of C. D. Terwilligar and 36 other citizens of Groton; of E. P. Warner and 6 other citizens of Clark County, and of J. K. Sundahl and 10 other citizens of Raritan, all in the State of South Dakota, remonstrating against the enactment of legislation requiring that certain places of business in the District of Columbia be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. CULLOM presented a petition of sundry citizens of Illinois, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Illinois, praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. STEWART, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 6289) to provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, reported it with an amendment.

Mr. GALLINGER, from the Committee on Commerce, to whom was referred the bill (S. 6051) to provide for the use of vessels of the United States for public purposes, reported it with an amendment, and submitted a report thereon.

Mr. FOSTER, from the Committee on Pensions, to whom was referred the bill (S. 5814) granting an increase of pension to Edward D. Hamilton, reported it without amendment, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 6993) granting a pension to Helen B. Messenger, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 7066) granting an increase of pension to Edmond W. Eakin, reported it without amendment, and submitted a report thereon.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (S. 3253) granting an increase of pension to Gilbert L. Eberhart, reported it with an amendment, and submitted a report thereon.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (S. 7019) granting an increase of pension to Annie T. Seaman, reported it with an amendment, and submitted a report thereon.

Mr. ALGER, from the Committee on Pensions, to whom was referred the bill (S. 6940) granting an increase of pension to George W. Enyart, reported it with an amendment, and submitted a report thereon.

COLLECTOR AT PORT OF NEW HAVEN, CONN.

Mr. GALLINGER. I am directed by the Committee on Commerce, to whom was referred the bill (S. 7078) to fix allowances and percentages of the collector at the port of New Haven, Conn., to report it favorably without amendment, and I submit a report thereon. As the bill is very brief and the Senator

from Connecticut [Mr. PLATT] desires immediate consideration for it, I make that request.

There being no objection, the bill was considered as in Committee of the Whole. It provides that the collector of the port of New Haven, Conn., shall hereafter receive the following allowances and percentages: Three per cent on all moneys by him received on account of duties upon imports or tonnage. But his total compensation therefrom shall not exceed \$3,000 per annum.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PREVENTION OF SMOKE IN THE DISTRICT OF COLUMBIA.

Mr. STEWART. I desire to call up the bill (S. 5108) to amend an act for the prevention of smoke in the District of Columbia, and for other purposes, approved February 2, 1899, reported by me yesterday morning from the Committee on the District of Columbia. The bill proposes a modification of the law which is not very oppressive, and it is very short. It is necessary to have immediate action upon the bill, if at all, and I ask unanimous consent that it be now considered.

The PRESIDENT pro tempore. The bill is on the Calendar?

Mr. STEWART. It is on the Calendar, Order of Business No. 3369.

The PRESIDENT pro tempore. It is hardly the time to make that request at this moment.

Mr. STEWART. I know it is not, but I think there will be no objection to it.

The PRESIDENT pro tempore. The Senator from Nevada asks unanimous consent that the bill indicated by him be now considered. It will be read.

The Secretary read the bill, and the amendment reported by the Committee on the District of Columbia, which was to strike out all after the enacting clause and insert:

That on and after the passage of this act a three-minute continuous emission, except in cases of new fires, when six minutes continuous emission shall be allowed, or a total of emissions of not over sixty minutes in each day, of dense or thick black or gray smoke or cinders from any smokestack or chimney used in connection with any stationary engine, steam boiler, or furnace of any description within the District of Columbia shall be deemed, and is hereby declared to be, a public nuisance.

SEC. 2. That the owner, agent, lessee, or occupant of any building of any description (the chief clerk of the Department or Bureau, if the building shall be one of the United States Government buildings, or the health officer, in case the building shall be under the jurisdiction of the Commissioners of the District of Columbia) from the smokestack or chimney of which there shall issue or be emitted thick or dense black or gray smoke or cinders, except as above provided, within the District of Columbia, on or after the day above named, shall be deemed and held guilty of creating a public nuisance and of violating the provisions of this act.

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PROPOSED EXECUTIVE SESSION.

Mr. CULLOM. I gave notice yesterday that immediately after the reading of the Journal this morning I would move an executive session. I now move that the Senate proceed to the consideration of executive business.

Mr. CULBERSON. I hope the Senator will allow me to introduce a bill. There is some urgency about it, and I desire to introduce it that it may have a reference.

Mr. CULLOM. If I yield for that purpose I ought to yield for all other morning business, and as the court of impeachment comes on at 2 o'clock I am hoping that we shall get through with the subject of the treaties before that time. If we wait very long before going into executive session, we can not do it. I hope the Senator will not press his request.

Mr. CLAY. I appeal to the Senator from Illinois to allow us five or ten minutes to introduce bills.

Mr. CULLOM. I will yield, then, for the introduction of bills. The PRESIDENT pro tempore. If there are no further reports of committees, the introduction of bills and joint resolutions is in order.

PROPOSED PRINTING INVESTIGATION.

Mr. KEAN. I report back with amendments from the Committee to Audit and Control the Contingent Expenses of the Senate the concurrent resolution submitted by the Senator from New York [Mr. PLATT] on the 9th instant to investigate the subject of the printing of various documents, reports, bills, and other papers published by order of Congress, or of either House, and I ask for its present consideration.

I call the attention of the Senator from New York [Mr.

PLATT] and the Senator from Iowa [Mr. ALLISON] to this report. I ask for the immediate consideration of the concurrent resolution.

The Secretary read the concurrent resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Committee on Printing, with two Members of the present House of Representatives who are reelected to the next Congress, to be appointed by the Speaker of the House of Representatives, or any subcommittee of said special joint committee, are hereby authorized to examine into the numbers printed of the various documents, reports, bills, and other papers published by order of Congress, or of either House thereof, and of the CONGRESSIONAL RECORD, and if, in their judgment, the conditions as they find them warrant remedial legislation to report a bill at the next session of Congress making such reductions in the numbers and cost of printing and such changes and reduction in the distribution of said publications as they may deem expedient, with a report giving their reasons therefor; and that the said committee is also authorized to investigate the printing and binding for the Executive Departments executed at the Government Printing Office, and at the branch printing offices and binderies in the various Departments, and if, in their judgment, the conditions as they find them warrant remedial legislation to report a bill at the next session of Congress making such reductions in expenses and imposing such checks as they may deem expedient, with a report giving their reasons therefor; and said committee is further authorized to make any other investigation calculated, in their opinion, to reduce the cost of the public printing and report the result thereof; and the said committee is hereby authorized to employ a stenographer, to examine experts and witnesses and to call upon the heads of Executive Departments and the Public Printer for such information regarding the preceding matters as they may desire, and any expenses incurred in making the investigations aforesaid shall be defrayed from the contingent fund of the Senate upon vouchers approved by the chairman of the Committee on Printing.

The PRESIDENT pro tempore. Is there objection to the present consideration of the concurrent resolution? The Chair hears none. The amendments reported by the committee will be stated.

The amendments of the Committee to Audit and Control the Contingent Expenses of the Senate were, in line 1, page 1, after the words "Committee on Printing," to insert "of the Senate;" and on page 2, line 8, after the word "therefor," to strike out the remainder of the concurrent resolution, in the following words:

And said committee is further authorized to make any other investigation calculated, in their opinion, to reduce the cost of the public printing, and report the result thereof; and the said committee is hereby authorized to employ a stenographer to examine experts and witnesses, and to call upon the heads of Executive Departments and the Public Printer for such information regarding the preceding matters as they may desire, and any expenses incurred in making the investigations aforesaid shall be defrayed from the contingent fund of the Senate upon vouchers approved by the chairman of the Committee on Printing.

And in lieu thereof to insert the following:

And in making the inquiries required by this resolution said committee shall have power to send for persons and papers, to administer oaths, to employ a stenographer to report its hearings, to call on the heads of Executive Departments and the Public Printer for such information in regard to the preceding matters as they may desire, to do whatever is necessary for a thorough investigation of the subject, and to sit during the recess of Congress. Any subcommittee may exercise the powers hereby granted to said committee, and the expenses of said investigation shall be paid one-half from the contingent expenses of the Senate, upon vouchers duly approved by the chairman of the Committee on Printing, and one-half from the contingent fund of the House of Representatives.

Mr. CULLOM. I think I will object to the consideration of the resolution. It seems to be a very extensive matter.

Mr. KEAN. Very well, let it go over.

Mr. CULLOM. If Senators desire to introduce bills I have no objection, but I shall object to the passage of bills this morning.

BILLS INTRODUCED.

Mr. CULBERSON (by request) introduced a bill (S. 7158) for the relief of the legal representatives of Dr. Thomas B. Waters, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. CARMACK introduced a bill (S. 7159) for the relief of the First Baptist Church of Memphis, Tenn.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 7160) for the relief of John M. Heard; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. BERRY introduced a bill (S. 7161) for the relief of the heirs of Manning Harris; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. CLAY introduced a bill (S. 7162) granting a pension to E. A. Camp; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 7163) to fix the allowances and percentages of the collector at the port of Portsmouth, N. H.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. FAIRBANKS introduced a bill (S. 7164) permitting the building of a railway bridge across White River, joining the

township of Harrison, in Knox County, State of Indiana, and township of Washington, Pike County, State of Indiana; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

Mr. HANSBROUGH introduced a bill (S. 7165) authorizing the construction of dams on and the utilization of the waters of certain streams in Montana and North Dakota; which was read twice by its title, and referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. HEYBURN introduced a bill (S. 7166) to authorize the sale and disposition of surplus or unallotted lands of the Fort Hall Indian Reservation, in the State of Idaho; which was read twice by its title, and referred to the Committee on Indian Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. KITTREDGE submitted the following amendments, intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed:

An amendment proposing to appropriate \$40,000 for improving the Missouri River at Elk Point, S. Dak.;

An amendment proposing to appropriate \$40,000 for improving the Missouri River at Pierre, S. Dak.;

An amendment proposing to appropriate \$25,000 for improving the Missouri River at Springfield, S. Dak.;

An amendment proposing to appropriate \$52,500 for building dams and constructing reservoirs at Lake Kampeska, Lake Poinsett, and on the Sioux River, South Dakota.

Mr. CLAY submitted an amendment declaring "options" and "futures" to be obstructions and restraints upon commerce and to be illegal, etc., intended to be proposed by him to the post-office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. FOSTER of Louisiana submitted an amendment providing for a survey and estimate of the Mermentau River, Louisiana, from its headwaters at the junction of Bayous des Cannes and Nez Pique to a point in the Gulf of Mexico beyond the bar at its mouth, etc., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. HALE submitted an amendment proposing to appropriate \$100,000 for continuing the improvement of Portland Harbor, Maine, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HEYBURN submitted an amendment proposing to appropriate \$25,000 for the establishment of a fish-cultural station in the State of Idaho, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Fisheries, and ordered to be printed.

Mr. LONG submitted an amendment proposing that hereafter all appeals from the United States courts in the Indian Territory to the United States court of appeals for the Indian Territory shall be taken in the same manner and under the same rules as appeals are now taken from the United States court of appeals of the Indian Territory to the United States circuit court of appeals of the eighth circuit, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. MILLARD submitted an amendment authorizing the President to issue patent in fee to Mrs. Kiva C. Lewis, Rosebud allottee No. 3986, for the lands heretofore allotted to her, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and thirty-five minutes spent in executive session the doors were reopened.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

H. R. 778. An act to remove the charge of desertion from the military record of Nicholas Swingle;

H. R. 16266. An act to remove the charge of desertion from the record of Henry Beeger; and

H. R. 18317. An act correcting the military record of George H. Pidge, of North Loup, Nebr.

H. R. 17481. An act authorizing the Alexandria, Bayou Macon, and Greenville Railway Company to construct bridges over Red River, Little River, Ouachita River, and Bayou Louis, in Louisi-

ana, was read twice by its title, and referred to the Committee on Commerce.

H. R. 17934. An act to provide for a land district in Wasatch and Uintah counties, in the State of Utah, to be known as the Uintah land district, and for other purposes, was read twice by its title, and referred to the Committee on Public Lands.

H. J. Res. 193. Joint resolution providing for the publication of 3,000 copies of Bulletin No. 27 of the Bureau of Animal Industry, entitled "Information Concerning the Angora Goat," was read twice by its title, and referred to the Committee on Printing.

IMPEACHMENT OF JUDGE CHARLES SWAYNE.

The hour of 2 o'clock having arrived, Mr. PLATT of Connecticut assumed the chair.

The PRESIDING OFFICER (Mr. PLATT of Connecticut). The hour of 2 o'clock having arrived, the Senate is in session for the trial of the impeachment of Charles Swayne, United States judge in and for the northern district of Florida. The Sergeant-at-Arms will make proclamation.

The Sergeant-at-Arms made the usual proclamation.

The managers of the impeachment on the part of the House of Representatives appeared and were conducted to the seats assigned them.

The respondent, Judge Charles Swayne, accompanied by his counsel, Mr. Higgins and Mr. Thurston, entered the Chamber and took the seats provided for them.

The PRESIDING OFFICER. The Journal of the last session of the Senate, sitting in the impeachment trial, will be read.

The Secretary read the Journal of the proceedings of the Senate sitting as a court on Friday, February 10.

The PRESIDING OFFICER. At the last session a motion was made that attachment issue for witness J. H. Durkee, of Jacksonville, Fla. That question, under the impeachment rules of the Senate, must be decided by the Senate itself and not by the Presiding Officer. But the Presiding Officer suggested yesterday that the decision of that motion might be delayed and the witness be communicated with. Accordingly the Sergeant-at-Arms sent the following telegram.

The Secretary read as follows:

[Telegram.]

FEBRUARY 10, 1905.

J. H. DURKEE,
Jacksonville, Fla.:

A motion for your attachment has been made, the decision of which is delayed in the expectation that you will attend without further delay. Wire answer.

D. M. RANDELL,
Sergeant-at-Arms United States Senate.

The PRESIDING OFFICER. To this telegram the following reply was received.

The Secretary read as follows:

[Telegram.]

JACKSONVILLE, FLA., February 11, 1905.

Hon. D. M. RANDELL,
Sergeant-at-Arms, United States Senate, Washington, D. C.:

I can not travel without attendance of a physician. If you can authorize me to employ a physician to accompany me, will start without delay. Answer.

JOSEPH H. DURKEE.

The PRESIDING OFFICER. To that telegram the following was sent for reply.

The Secretary read as follows:

[Telegram.]

FEBRUARY 11, 1905.

JOSEPH H. DURKEE,
Jacksonville, Fla.:

Your son, Doctor Durkee, has been, or will be, summoned. Start with him immediately. Answer.

D. M. RANDELL,
Sergeant-at-Arms, United States Senate.

The PRESIDING OFFICER. The last-mentioned telegram was sent this morning and no answer has been received.

With regard to the witness for whom an attachment was asked by the respondent, Louis P. Paquet, of New Orleans, the following telegram was sent to him.

The Secretary read as follows:

[Telegram.]

FEBRUARY 10, 1905.

LOUIS P. PAQUET,
2420 Ursuline avenue, New Orleans, La.:

Motion for an attachment made because of your failure to appear. Wire at once whether you are coming.

D. M. RANDELL,
Sergeant-at-Arms, United States Senate.

The PRESIDING OFFICER. After that telegram was sent I received a letter written by Mrs. Paquet, inclosing a physician's certificate. The letter and the certificate will be read.

The Secretary read as follows:

Hon. O. H. PLATT,
Washington, D. C.
NEW ORLEANS, LA., February 8, 1905.

DEAR SIR: The subpoena sent to the Hon. L. P. Paquet, of this city, was received this afternoon. My husband has been seriously ill since January 31, and it is only to-day that we can safely say that he is mending slowly. The doctor states that it will be three or four weeks before he will be able to get out. I herewith hand you the attending physician's certificate, which speaks for itself.

I am, very respectfully,
Mrs. L. P. PAQUET,
2420 Ursuline avenue.
NEW ORLEANS, February 8, 1905.

To whom it may concern:

This is to certify that Judge Louis P. Paquet has been ill since January 31, 1905, and confined to bed. While he is steadily improving, it will be three or four weeks [before he can] be considered cured. He is therefore unable to leave his bed or room.

A. MAESTRI, M. D.,
Attending Physician.

The PRESIDING OFFICER. In reply to the telegram which was sent by the Sergeant-at-Arms the following telegram from Mrs. Paquet has been received.

The Secretary read as follows:

[Telegram.]

NEW ORLEANS, LA., February 10, 1905.

Hon. O. H. PLATT,
United States Senate, Washington, D. C.:

On 8th instant I wrote you a letter inclosing physician's certificate which stated that Judge Paquet had been ill abed since January 31 and was still in the same condition, and therefore will be physically impossible for him to go to Washington.

Mrs. L. P. PAQUET.

The PRESIDING OFFICER. The Presiding Officer desires to inquire whether there is further application for an attachment for either of these witnesses? It is probable, I think, that Mr. Durkee will start for Washington.

Mr. Manager PALMER. We are not asking now for an attachment for Mr. Durkee. We shall wait until another meeting at least before we ask it. If he does not come, we will ask it then.

Mr. HIGGINS. I suggest to the court that the matter of the application for the attachment of Paquet be postponed until the end of the session to-day.

The PRESIDING OFFICER. Such order will be taken, if there be no objection. Are the managers ready to proceed?

Mr. Manager PALMER. Mr. President, Mr. B. S. Liddon was counsel for the plaintiffs in this case and appeared before the Judiciary Committee in the taking of the testimony. He is familiar with the witnesses and with all the facts of the case, and the managers desire that he shall be allowed to be in the Senate Chamber while this trial is proceeding so that they may have the advantage of his presence and his counsel.

The PRESIDING OFFICER. What is the name?

Mr. Manager PALMER. B. S. Liddon—Judge Liddon. Of course, Mr. President, we are not asking that he shall appear as counsel. We only want him here so that we can consult with him with respect to the witnesses if we need him, so as to expedite the business and facilitate the progress of the trial.

The PRESIDING OFFICER. Unless objection is made on the part of the Senate, the Presiding Officer will grant the request. If any Senator objects, the Presiding Officer will be glad to hear what may be said on the subject. The request is granted. The managers will proceed with witnesses.

Mr. Manager OLMSTED. Mr. President, the witness whom we had intended calling at this time in support of the third article of impeachment, is a lady, who feels very nervous about undergoing the ordeal of appearing before so august a tribunal, and much pressure has been made upon counsel for the respondent as well as upon the managers. So we have, with that gallantry common to both sides, entered into an arrangement which will dispense with her attendance. I think the managers would much prefer that she be here in person, but we have agreed that the following deposition or statement, questions and answers, submitted to and made by her, shall, with the permission of the President and of the Senate, be treated with like effect as if the witness were present and had testified to the same before the Senate.

Mr. HIGGINS. We have no objection.

Mr. Manager OLMSTED. We ask that the paper may be read.

The PRESIDING OFFICER. The Chair has no doubt that the managers and counsel may stipulate to that effect. The statement referred to will be read.

The Secretary read as follows:

Mrs. Annie E. Russell, having been duly sworn, testified as follows:

Direct examination by Mr. Manager OLMSTED:

Question. Where do you live?

Answer. Tyler, Tex.

Q. How long have you been there?

A. About twenty-two years.

Q. You are engaged in running a hotel, or have been, or a boarding house there?

A. No, sir.

Q. Have not at all?

A. No, sir; we just had a very large house, and during this court Mr. Butler came and asked me if I would take some of the judges and lawyers, and I told him I would. We had a large house and were renting the rooms. I had only been there about two years.

Q. That was at Tyler?

A. Yes, sir.

Q. Did Judge Swayne ever board with you there?

A. Yes, sir.

Q. Do you know the date?

A. No, sir; I did not make any memorandum of it, but it was during that trial of the bank there.

Q. In the United States court room?

A. Yes, sir.

Q. Do you know in what year it was?

A. It was last year.

Q. 1903?

A. Yes, sir.

Q. Do you know what part of the year—the early part or the latter part?

A. It was January, as well as I can recollect.

Q. Do you know how long he stayed with you?

A. From the beginning until the end. I did not keep any memorandum of it at all. He was there from the time the court opened until it closed.

Q. You do not know how long? Could not approximate the time?

A. I think it was about six weeks or more; I am not sure about that.

Q. Do you know what rate of board he paid you?

A. Yes, sir; \$1.25 a day.

Q. Did that include lodging?

A. Yes, sir.

Q. That included table board and lodging?

A. Yes, sir; everything.

Q. One dollar and twenty-five cents a day?

A. Yes, sir.

Q. In the early part of the year 1903 he was there from four to six weeks?

A. He was there during the whole term of court. I find that it was from the morning of the 12th of January, 1903, to February 16, 1903; about thirty-five days.

Q. How far is your house from the court-house—the place where Judge Swayne held court?

A. Less than the length of a block. Not over a minute's walk.

Q. In going from your house to court and returning to your house from court did Judge Swayne ride or walk?

A. He always walked.

Mr. Manager OLMSTED. Mr. President, the witnesses whom we had expected to examine to-day in further support of the first three articles of impeachment, and also of the fourth and fifth articles, have not yet reached Washington. We shall, therefore, have to proceed with testimony in support of the sixth and seventh articles, relating to the subject of the residence of the respondent within the district for which he was appointed; and under the arrangement made between the managers in regard to the matter, the witnesses upon that point will be examined by Mr. Manager PERKINS.

Mr. Manager PERKINS. Mr. President, I will, if it would be more convenient for Senators, stand farther back from the witness, with the result of compelling the witness to speak somewhat more distinctly than if I stand down here. I am subject to the court, of course, and will, if that be satisfactory, examine the witnesses here, or I will take a place farther back, as Senators may prefer.

The PRESIDING OFFICER. Unless there be some reason to the contrary, the Presiding Officer thinks the witness should stand at his right here, and can be examined by the manager from any point he may choose to occupy.

Mr. Manager PERKINS. Very well, sir.

The PRESIDING OFFICER. What witness do the managers desire called first?

Mr. Manager PERKINS. The first witness we desire to call is Mr. A. H. D'Alemberte.

A. H. D'Alemberte sworn and examined.

Mr. Manager PERKINS. Mr. President, I will first take the liberty of reading from the articles of impeachment what is contained in two sentences, the wording of the statute, which it is claimed under the sixth and seventh articles the respondent has violated. It reads:

A district judge shall be appointed for each district, except in cases hereinafter provided. Every judge shall reside in the district for which he is appointed, and for offending against this provision shall be deemed guilty of a high misdemeanor.

By Mr. Manager PERKINS:

Question. Where do you live?

Answer. Pensacola, Fla.

Q. How long have you lived there?

A. About thirty-five years.

Q. Have you held any official position there?

A. Yes, sir; that of tax collector for Escambia County.

Q. Is Pensacola included in Escambia County?

A. It is the county seat.

Q. It is the county seat, and is a part of that county?

A. Yes, sir.

Q. Have you been tax collector for the entire county?

A. Yes, sir.

Q. Were you such tax collector from 1890 to 1903?

A. I was.

Q. During that entire period?

A. Yes, sir.

Q. And as such tax collector you have on the rolls the names of all the persons whose taxes were collected in that county?

A. I do.

Q. And collect taxes from all persons whose names were found on those rolls?

A. All whom I could legally collect from.

Q. On those rolls were contained the names of persons assessed for poll taxes?

A. Yes, sir.

Q. How are the names of persons assessed for poll taxes in the State of Florida ascertained? How is the roll made up?

A. It is made up from the registration books so far as the assessor can obtain the correct names, and then he obtains other names which are not on the registration books.

Q. What names are contained on the registration books?

A. The names of registered voters.

Q. All those who appear to qualify and register as voters have their names put on the registration books?

A. Well, it does not necessarily follow if names are on the registration books that they are qualified electors.

Q. But unless they are on the registration books they are not electors?

A. No, sir.

Q. Can anyone vote in the State of Florida who does not pay a poll tax?

Mr. HIGGINS. Is not that a matter of law?

Mr. Manager PERKINS. Oh, we can prove the statutes if necessary. But there is no question about it. It is to save time that we ask the witness.

The PRESIDING OFFICER. The Presiding Officer will suggest to the managers and the counsel that the object of this trial is to get at the facts, and he hopes that there will be as little technicality with regard to the matter of examination of the witnesses as is possible.

Mr. Manager PALMER. That is our endeavor, Mr. President.

Mr. Manager PERKINS (to witness). You may answer the question, witness.

The WITNESS. I will, if you will just repeat the question.

Q. (by Mr. Manager PERKINS). Can anyone vote in the State of Florida who does not pay a poll tax?

A. Yes, sir; he votes if under 21 when he registers or if he is under 21 when the assessments of poll taxes are made for that particular year or if he has moved into the county or State and has not been a legal resident sufficiently long to pay a poll tax.

Q. How long a time is that?

A. He must be in the State twelve months and six months in the county in order to register, and must be a resident of the county on the 1st day of January to be liable to a poll tax for that year; and he who is over 55 years of age on the 1st day of January of the year for which the poll tax is levied is exempt.

Q. In reference to those who are thus exempt, is it necessary that they should have a certificate of registration in order to be allowed to vote?

A. The law provides that they should obtain such certificate from the supervisor of registration.

Q. Showing that they are exempt under the provisions of the law? They must register before they vote?

A. Yes, sir.

Q. You collect the taxes also on any assessment against personal property in the county for which you are the collector?

A. The poll tax and the taxes on real estate and personal property.

Q. The poll tax, personal property, and real estate?

A. Yes, sir.

Q. You may state whether from 1894 to 1902 any tax was assessed against or collected from Charles Swayne?

A. No, sir; not in his name.

Q. Did his name appear on the rolls?

A. No, sir.

Q. When did you first collect any tax in that county from Charles Swayne?

A. On the 2d day of April, 1902.

Q. What tax was that?

A. A tax on real estate—on unimproved real estate.

Q. On vacant lots?

A. Twenty vacant lots in a solid square, known as Square 240.

Q. Where?

A. In the city of Pensacola, Fla.

Q. In whose name was that property assessed?

A. Benjamin Hilton, of East Orange, N. J.

Q. But the tax was paid to you by Charles Swayne?

A. Yes, sir.

Q. Was the assessment on that real estate subsequently changed?

A. It was.

Q. To whose name?

A. L. C. Swayne.

Q. When was that done?

A. The succeeding year.

Q. Then, at any time during the period of which you speak has Charles Swayne been a taxpayer of that county?

A. No, sir.

Q. At any time from 1900 to 1903 has he been entitled to vote in the county?

A. I believe not, sir.

Mr. Manager PERKINS. I think that is all.

Cross-examined by Mr. HIGGINS:

Question. What is your full name?

Answer. Arthur H. D'Alemberte.

Q. Then you are not the W. A. D'Alemberte who is summoned here as a witness?

A. No, sir; that is my brother.

Mr. SPOONER. Mr. President, I should like to submit to the President a request that the counsel speak a little louder.

Q. (By Mr. HIGGINS.) Do all the citizens of your jurisdiction who are entitled to register always register?

The WITNESS. Do all the citizens of my jurisdiction entitled to register always register?

Mr. HIGGINS. Yes, sir.

A. I think not, sir.

Q. Who was the L. C. Swayne to whose name this property was transferred?

A. I think it was Lydia C. Swayne.

Q. Do you know who she was?

A. I do not, sir. I presume she was Judge Swayne's wife.

Q. Judge Swayne paid the tax for Lydia C. Swayne?

A. He did.

Q. Is it still on your tax book?

The WITNESS. That piece of property?

Mr. HIGGINS. Yes, sir.

A. Yes, sir.

Q. Assessed to Lydia C. Swayne?

A. Yes, sir.

Q. The taxes been kept up and paid?

A. Yes, sir.

Q. Is there any other property assessed to Mrs. Swayne besides that?

A. I think there is a piece of property, about two lots, or three lots and a half, or, maybe, four lots, in block 11, Belmont tract, city of Pensacola.

Q. Unimproved property?

A. No, sir; it is improved property.

Q. What is it?

A. A residence.

Q. Do you know whose residence it is?

A. It is assessed in the name of L. C. Swayne for 1904, which is the first year it has been assessed in that name.

Q. Before that in whose name was it assessed?

A. Judge A. C. Blount, jr.

Q. Had it been in Judge Blount's name long?

A. A good many years.

Mr. HIGGINS. That is all.

Mr. CULBERSON. Mr. President, I desire to submit a question.

Mr. Manager PERKINS. I would state that there are one or two other questions that I desire to ask after the Senator's question has been asked.

The PRESIDING OFFICER. The Senator from Texas desires the question to be submitted to the witness which will be read by the Secretary.

Mr. CULBERSON. My question may be withheld until the manager is through.

Mr. Manager PERKINS. Very well.

Q. (By Mr. Manager PERKINS.) Mr. D'Alemberte, when do you say this property was first assessed in the name of Mrs. L. C. Swayne—the house and lot?

A. 1904, sir, is the first year it appears on the tax book in L. C. Swayne's name.

Q. During all these years that you have been collector you have yourself been present in Pensacola?

The WITNESS. Been present in Pensacola?

Mr. Manager PERKINS. All of the time, or substantially all of the time?

A. With the exception of a week or ten days' absence; yes, sir.

Q. Do you know Judge Swayne by sight?

A. Yes, sir.

Q. Did you ever see him there except during a term of the United States court?

A. I did not.

Q. You did not, except during the terms of the United States court. During that time did you know of any residence that Judge Swayne had in Pensacola?

A. None that I know of, sir.

Q. None that you know of. Were you well acquainted with most of the people of the city?

A. Yes, sir.

Q. You had occasion to be in all parts of the city?

A. Yes, sir.

Q. You knew of his being at hotels or boarding houses during the presence of the court?

Mr. HIGGINS. Mr. President, I would request that the manager do not lead his witness. It is perfectly easy to avoid it.

Mr. Manager PERKINS. I have no desire, Mr. President, to lead the witness. I am merely calling his attention to what he has once before testified.

Q. (By Mr. Manager PERKINS.) You may state whether or not you did know that during the terms of the court Judge Swayne stayed there at hotels or boarding houses in Pensacola.

A. Yes, sir.

Mr. Manager PERKINS. That is all. I yield to the Senator.

Mr. HIGGINS. There is a question to be read, I believe.

The PRESIDING OFFICER. The Secretary will read the question propounded by the Senator from Texas [Mr. CULBERSON].

The Secretary read as follows:

Q. Do you know whether the respondent ever actually voted since he has been judge? And if so, state where and when did he vote.

The WITNESS. Not in my county, sir.

Mr. BACON. Mr. President, I have a question which I desire to have propounded to the witness.

The PRESIDING OFFICER. The Secretary will read the question.

The Secretary read as follows:

Q. Does the law of Florida require the payment of a poll tax from each male citizen of the State who is over 21 and under 55 years of age?

The WITNESS. Before he can vote? Yes, sir; it requires him to pay it.

Mr. BACON. I will amend that question in order to leave no doubt as to what I mean.

Mr. HOPKINS. While the Senator is amending his question, I desire to present a question.

Mr. BACON. Mr. President, I have amended the question and enlarged it a little, so as to cover all I meant.

The PRESIDING OFFICER. The Secretary will now read to the witness the question of the Senator from Georgia [Mr. BACON] as amended.

The Secretary read as follows:

Q. Does the law of Florida require the payment of a poll tax from each male citizen of the State who is over 21 and under 55 years of age, without reference to the question whether or not he votes?

The WITNESS. It does; yes, sir.

Mr. Manager PERKINS. What is the witness's answer?

Mr. Manager CLAYTON and Mr. Manager SMITH. The answer is "yes."

The PRESIDING OFFICER. Does the manager desire the question read again?

Mr. Manager PERKINS. No, sir.

The PRESIDING OFFICER. The Senator from Illinois [Mr. HOPKINS] propounds a question, which will be read by the Secretary.

Mr. SPOONER. I ask that the answer of the witness to the last question may be again read.

Mr. Manager OLMSTED. Mr. President, if permissible, I would ask that both question and answer be read.

Mr. SPOONER. I ask that the answer be read.

The PRESIDING OFFICER. The Reporter will read the answer to the question propounded by the Senator from Georgia [Mr. BACON].

The Reporter read the answer, as follows:

A. It does; yes, sir.

Mr. SPOONER. Mr. President, does the manager wish the question also to be read?

Mr. Manager OLMSTED. I should like to ask that the question be again read. It was a little indefinite, as the clerk's back was toward us when it was read.

The Secretary again read the question of Mr. BACON, as follows:

Q. Does the law of Florida require the payment of a poll tax from each male citizen of the State who is over 21 and under 55 years of age, without reference to the question whether or not he votes?

The PRESIDING OFFICER. The answer of the witness is: "It does; yes, sir." The Senator from Illinois [Mr. HOPKINS] propounds a question, which will be read by the Secretary.

The Secretary read as follows:

Q. Can not a man be a citizen of the county without being a taxpayer?

Mr. HOPKINS. Instead of "citizen" it should read "resident."

Mr. Manager PALMER. Well, Mr. President, we do not want to be captious; but, in the opinion of the managers, that is a question of law, not of fact. I suppose we have a right to object to a question by a Senator, under the rule, and we object to that question. It is a matter of law, and I do not suppose the witness is a lawyer.

The PRESIDING OFFICER. If the objection is insisted upon, the Presiding Officer thinks that the question is improper, for the reason that it relates to a matter of law; but the Presiding Officer would suggest that this examination has so far proceeded upon questions of law very largely.

Mr. HIGGINS. Exactly.

Mr. LODGE. Was the decision of the Chair that the question might be answered?

The PRESIDING OFFICER. The Presiding Officer thinks the objection must be sustained; but he took occasion to remark that the examination had already proceeded very far with the witness as to what was the law in Florida.

Mr. LODGE. Mr. President, I should like now to ask for a ruling on what seems to me a very important matter. Are the managers for the House and counsel for the respondent entitled to object and shut out questions asked by the judges—Senators?

The PRESIDING OFFICER. Perhaps not in the technical way in which objections are made in court, but the Presiding Officer thinks that either the managers on the part of the House or the counsel for the respondent have a right to raise the question, to be decided by the Presiding Officer, as to whether evidence is admissible.

Mr. LODGE. Whether a question asked by a Senator is competent? My only purpose, Mr. President, is to know under what limitations we are acting.

The PRESIDING OFFICER. The Presiding Officer does not at this time desire to make any binding or irreversible rule, but if such a case can be supposed as that a Senator should put an improper or inadmissible question to a witness the Presiding Officer thinks that, that question being raised, he would have a right to rule upon it.

Mr. HOPKINS. Mr. President, on the question raised by the managers I desire to be heard for a moment. The question of residence is a question of fact. It is not a question of law.

Mr. Manager PALMER. In order to settle the difficulty, we withdraw the objection.

The PRESIDING OFFICER. The objection is withdrawn, and the witness will answer the question, which will again be read.

The Secretary read as follows:

Can not a man be a resident of the county without being a taxpayer?

The WITNESS. Yes, sir.

Mr. BACON. I have another question which I desire to propound to the witness.

The PRESIDING OFFICER. The Secretary will read the question submitted by the Senator from Georgia.

The Secretary read as follows:

Has the respondent ever paid a poll tax in the county of Escambia since the witness has been the tax collector of the county?

The WITNESS. He has not. I should like to correct the answer to the question preceding this.

The PRESIDING OFFICER. The Secretary will again read the question of the Senator from Illinois.

The Secretary read as follows:

Can not a man be a resident of the county without being a taxpayer?

The WITNESS. If he is there on the 1st day of January the poll tax is assessed against him, and under the rule the collector is supposed to collect it.

I should like to have that answer take the place of the other answer.

Reexamined by Mr. Manager PERKINS:

Q. I ask the witness if Judge Swayne, to his knowledge, was in 1900 to 1903 a resident of the county of which he was a collector and in which Pensacola is situated?

Mr. HIGGINS. We think that is an improper question.

Mr. Manager PERKINS. The question is precisely similar in character to the question which was put by the Senator from Illinois [Mr. HOPKINS] and which the witness was allowed to answer. I ask him a question of fact.

The PRESIDING OFFICER. Will the manager repeat the question?

Mr. Manager PERKINS. I ask that the reporter read the question.

The reporter read as follows:

Reexamined by Mr. Manager PERKINS:

Q. I ask the witness if Judge Swayne, to his knowledge, was in 1900 to 1903 a resident of the county of which he was collector and in which Pensacola is situated?

The PRESIDING OFFICER. What is the objection?

Mr. HIGGINS. It is a question of law. We have no objection to the witness stating, but every desire to have him state, every fact he knows about the movements or the residence of Judge Swayne, or where he actually or bodily was, but to ask a mere conclusion of law is, we think, improper.

Mr. Manager PERKINS. This question is precisely similar in character to the question asked by the Senator from Illinois [Mr. HOPKINS] and answered, in which the witness was asked to state whether a man could be a resident under certain circumstances; and the Senator from Illinois truly remarked that the question of residence is a question of fact. It is precisely analogous to asking him whether to his knowledge a certain man was a resident of a certain place. I can see no distinction between the questions, nor does my learned friend on the other side see any difference.

Mr. HIGGINS. Oh, yes. It is competent for the learned manager to ask the witness where the respondent stayed, where he lived, what house he occupied, anything about his actual movements out of which the question of residence would be established. Residence is a question both of fact and of law, and it is as to that mixed question and as to the legal result from it that the learned manager has asked a comprehensive question. It is a question to be asked of the court and for the court in the end to decide.

Mr. Manager PERKINS. Yes, Mr. President; but allow me to suggest that what the managers have to prove in this case is a negative. We are not to prove as a matter of fact that the respondent was a resident. We have to prove that he was not a resident. How can a negative be proved except by proving as best we can from those who live there the fact that the alleged resident was not there? We do not prove affirmative acts. We prove negative acts. Not what he did, not that he was there, but that he was not there. How otherwise can a negative ever be proved than by negative facts?

The PRESIDING OFFICER. The question is, Was the respondent, to the witness's knowledge, a resident of Pensacola? The witness may answer the question.

The WITNESS. To my knowledge, he was not.

Q. (By Mr. Manager PERKINS.) Was Judge Swayne a resident of Pensacola during that time?

A. So far as I know—

Mr. THURSTON. Wait a moment.

Mr. President, we object to the question. We agree with the managers that they are required to prove a negative, but the only way in which they can prove that Judge Swayne was not a resident of that district is to follow him as far as they can, and they can follow him every day of every year and show

where he was, show where his family was, show how much of the time he was in the district, how much of it out of the district, whether he lived there, where he lived there, where he lived elsewhere, and what his movements were all the time; and it is for the Senate as a court to answer the question, when the facts are shown, as to whether or not he was a resident of the district.

Mr. Manager PERKINS. Mr. President, with great respect to my learned adversary, while doubtless it is for the Senate to say, whether or not he was a resident, the evidence we offer is entirely competent. It is for the Senate to pass upon its weight. If we seek to show that a man is not a resident of the city of Washington, we are not obliged to follow him to the North Pole or the South Pole. It is enough for us to show that he has not been in the city of Washington. That proves our case. He can show where he was, and the court will give to it such weight as it may attach. We do not have to show where he was, except that he was not in the place where we allege he was a nonresident. That surely is evidence and competent evidence, Mr. President, and the weight of it is to be passed upon by the court as is true of all competent evidence.

Mr. THURSTON. Mr. President, we are not objecting to their asking this witness whether or not in any particular year, month, week, or day Judge Swayne was in Pensacola. That would be a proper question. It would ask for a fact. But they are asking for a conclusion which can only result from the consideration of many facts related to the law.

The PRESIDING OFFICER. The witness is asked really, for his opinion whether Judge Swayne was a resident at a certain place. If this witness can be so asked, any number of witnesses can be asked the question, and the decision of it would then depend upon the opinion of witnesses.

The question of residence is one of mixed law and fact, and must be determined, as the Presiding Officer thinks, by the Senate upon the proved circumstances and facts of the case and not upon the opinion of witnesses resident in that part of the country. So the question is excluded.

Mr. Manager PERKINS. We have nothing further to ask of this witness, Mr. President.

Mr. DANIEL. Mr. President, the question, it seems to me, is a double one. It may mean, Did the party actually reside there? or it may mean, Did he legally reside there? If it is in order to make that suggestion to the Chair, I beg leave to do so. It is capable of a double interpretation.

The PRESIDING OFFICER. The Chair has already ruled on it.

Mr. DANIEL. In one interpretation it may be correct, and in another it may be wrong.

The PRESIDING OFFICER. Is there anything more required of this witness?

Mr. Manager PERKINS. Not from me.

Cross-examined by Mr. HIGGINS:

Q. You are the tax collector of Pensacola, and have been for a number of years?

A. Yes, sir; of Escambia County.

Q. Is it or not a part of your duty to make out the list of taxables?

A. It is not my duty, sir.

Q. Who does make out that list?

A. The tax assessor.

Q. Of course he makes an assessment of all property, real and personal, for taxation. Does he also make a list of taxables for the poll tax?

A. He does.

Q. Does he tax all persons, or only all male persons?

A. All who are liable for the poll tax.

Q. "All who are liable." Is that all residents above 21?

A. Yes.

Q. And under the age of 55, I understood you to say?

A. Between 21 and 55.

Q. When that tax list is made out, does it become your duty to collect those taxes?

A. It does.

Q. Do you wait upon the option of the taxable to pay his tax, or do you collect it from him whether he is willing or unwilling?

A. I wait until the expiration of the time within which the law allows him to pay voluntarily, and if he does not pay, then I force the collection by attachment.

Q. Did you ever collect any poll tax from Judge Swayne?

A. I never did.

Q. You never collected any from him?

A. I did not.

Q. He was not assessed for poll tax?

A. He was not.

Q. Do you know what his age is?
 A. I do not.
 Q. Did you know what his age was then?
 A. I did not.
 Q. You have said that when the court was not in session he did not remain in Pensacola; or substantially that, as I recollect.
 A. To my knowledge, he did not.
 Q. What is your knowledge?
 A. Only in a general way.
 Q. Then, if it is only in a general way, why did you give that answer to the question?
 A. I gave that answer to the question to the best of my knowledge and belief.
 Q. What is your knowledge?
 A. That he was not a resident there.
 Q. You say he was not there except during court. Do you know where he went when court was over?
 A. I do not.
 Q. Did you ever see him off or on the train going away?
 A. I do not go to the depot to watch what people go away.
 Mr. HIGGINS. I am not asking the reasons. Answer my question.
 A. I did not.
 Q. (By Mr. HIGGINS.) Did you keep any watch on his movements?
 A. I did not.
 Q. Did you do it through anybody else?
 A. I did not.
 Q. Then if you do not know what his movements were, how could you say he was not in Pensacola after a term of court, for either a short or a long time?
 A. Only from what others had said.
 Q. Then it was only hearsay?
 A. That is all.
 Q. And not from any knowledge of your own? [A pause.]
 What is your answer?
 The WITNESS. I did not answer the question. I did not think it was a question, and I did not answer it.
 Mr. HIGGINS. I ask the Reporter to read the question and the preceding question and answer.
 The Reporter read as follows:
 Q. Then it was only hearsay?—A. That is all.
 Q. And not from any knowledge of your own? [A pause.] What is your answer?
 Q. (By Mr. HIGGINS.) And your statement, not from any knowledge of your own, is that he did not remain in Pensacola after the term of court was over?
 A. Yes, sir.
 Q. What is your answer?
 A. I do not know whether he stayed there or not.
 Q. I did not hear distinctly as to the time when you say he did reside in Pensacola, within your knowledge.
 A. I have not said so.
 Q. So far as you know, then, he never did?
 The WITNESS. Become a legal resident?
 Mr. HIGGINS. I mean to say, is there any house he ever occupied or lived in there?
 The WITNESS. To my knowledge?
 Mr. HIGGINS. Yes.
 A. No, sir.
 Q. You have no knowledge on that subject, then?
 A. No, sir.
 Mr. HIGGINS. That will do.
 Reexamined by Mr. Manager PERKINS:
 Q. When Judge Swayne was present holding court, did you see him?
 A. On the street; yes, sir.
 Q. Did you ever see him on the street or elsewhere when the United States court was not in session?
 A. I think not, sir.
 Mr. HIGGINS. Mr. President—
 Mr. Manager PERKINS. Wait until I get through my question.
 Mr. HIGGINS. I wish to say this, Mr. President, will not the learned counsel kindly refrain from leading his witness—
 Mr. Manager PERKINS. I am not leading him.
 Mr. HIGGINS. So as to have the witness answer the question "yes" or "no," categorically.
 Mr. Manager PERKINS. I am not leading him. Most questions can be answered "yes" or "no," and that usually is the best way to answer a question.
 Q. (By Mr. Manager PERKINS.) Were you about the streets and about the hotels and about the court-house at times when the United States court was not in session?

A. Only on the streets.
 Q. On the streets?
 A. Yes, sir.
 Q. Were you in Pensacola most of the time?
 A. Yes, sir.
 Q. Did you chance to pass on the street Judge Charles Swayne at any of those times when the court was not in session?
 A. I think not.
 Mr. Manager PERKINS. That is all.
 The PRESIDING OFFICER. Who is the next witness?
 Mr. Manager PERKINS. Call Mr. Northrup.
 Mr. Manager PALMER. While the witness is coming, I wish to submit to the President the authority on which I objected to the question asked by the Senator from Illinois [Mr. HOPKINS]. It is a ruling made by Chief Justice Chase in the trial of Andrew Johnson, and is to be found in the second volume of the Congressional Globe, at pages 166, 169, and 170, where it was decided that the managers had a right to object to a question asked by a Senator.
 I merely call attention to the authority to show that I was not objecting without some reason.
 The PRESIDING OFFICER. The Presiding Officer made no different ruling from that which has been cited, I think.
 WILLIAM H. NORTHRUP sworn and examined.
 By Mr. Manager PERKINS:
 Question. Where do you live?
 Answer. Pensacola, Fla.
 Q. How long have you lived there?
 A. About twenty years.
 Q. Where did you live before that?
 A. I followed the sea. I made my home in Rhode Island previous to that.
 Q. You lived where?
 A. Narragansett Pier, R. I.
 Q. Do you hold any position?
 A. Yes, sir.
 Q. What position?
 A. I am the postmaster at Pensacola.
 Q. How long have you been the postmaster at Pensacola?
 A. I was appointed on the 7th of March, 1903.
 Q. Appointed by whom?
 A. By the President.
 Q. You have been postmaster since?
 A. Yes, sir.
 Q. And still are? Do you know Judge Charles Swayne?
 A. Yes, sir.
 Q. Have you known him many years?
 A. Yes, sir.
 Q. When did you first know him?
 A. In Pensacola.
 Q. When?
 A. About 1890, I think.
 Q. Did he at any time board with you?
 A. Yes, sir; he boarded at my house.
 Q. You had a boarding house in Pensacola?
 A. Yes, sir.
 Q. Down to what time did you keep that boarding house?
 A. Down to 1898, or about that time.
 Q. During what years did Judge Swayne board with you?
 A. From 1891 to about 1896.
 Q. During what periods of the year in those years was he at your house?
 A. He was there at the fall term of the court and the spring or summer term. Whenever the court was in session, he was at my house.
 Q. What time was the fall term held?
 A. I do not remember.
 Q. About?
 A. October or November; something like that.
 Q. At what time was the spring term held; about when?
 A. In March, or about that time.
 Q. Do you know of his stopping at any other place in Pensacola between 1891 and 1896?
 A. No, sir; I do not remember where he did stop.
 Q. That was not the question. Do you know whether he stopped anywhere except with you?
 A. No, sir; I do not remember.
 Q. You do not remember?
 A. No, sir.
 Q. You do not remember that he stopped anywhere else?
 A. No, sir; I do not remember whether he stopped anywhere else or not.
 Q. Have you any recollection of any other place at which he did stop?

A. Yes, sir; I know that he stopped at the Escambia Hotel.
 Q. Yes; but prior to 1896?
 A. No, sir; I do not remember; I do not know.
 Q. When did he first stop at the Escambia Hotel, to your knowledge?
 A. I do not remember, sir. I can not tell you.
 Q. Do you remember whether or not it was subsequent to his stopping with you?
 A. I think it was after 1896.
 Q. Do I understand you to say he never stopped with you after 1896?
 A. I am not positive as to that; I do not think he did.
 Q. That is your recollection. Now, you may state how long Judge Swayne stopped in Pensacola during those years.
 A. I do not know how long he stopped.
 Q. How long did he stop with you?
 A. He stopped at my house during the term of court, the different times when it was held there.
 Q. Did he stop there at any other times than during the terms of court?
 A. No, sir.
 Q. When did he arrive?
 A. He arrived there usually on the night before opening court.
 Q. The night before opening court?
 A. Yes, sir.
 Q. When did he leave?
 A. He left as soon as the court was adjourned.
 Q. During those years did you know of his being in Pensacola any time except when the court was in session?
 A. No, sir.
 Q. You have lived in Pensacola for many years?
 A. Yes, sir.
 Q. Are you largely acquainted with the residents?
 The WITNESS. With the residence portion?
 Q. With the residents of Pensacola?
 A. Yes, sir.
 Q. How large a place is it?
 A. Something between twenty and twenty-five thousand.
 Q. What room did Judge Swayne take when he boarded at your house?
 A. He took any room that was vacant.
 Q. He took any room that was vacant?
 A. Yes, sir.
 Q. In the same way that any other boarder who came there?
 A. Yes, sir.
 Q. Did he pay for any room in your house except when he was present?
 A. No, sir.
 Q. When he went away did he leave in your house any of his personal effects?
 A. Not that I know of.
 Q. What was done with his room when he vacated it?
 A. Some one else generally got it.
 Q. Did you ever have any talk with Judge Swayne with reference to buying a house in Pensacola?
 A. Yes, sir.
 Q. When was that?
 A. I think it was along about 1896 or 1897.
 Q. 1896 or 1897?
 A. Yes, sir.
 Q. You may state what he said in reference to that matter, about the house he wanted.
 A. He described such a house as he wanted, and I took him in a buggy with me at one time, and we drove around the city to see if he could locate a house that would suit him.
 Q. Will you state what he said as to the kind of house he wanted?
 A. He said he wanted a house with large parlors. He wanted a 40-foot parlor, was one thing. He wanted a tile bathroom and a hard-wood library—such a house as that.
 Q. Were there any houses of that kind in Pensacola that you knew of?
 A. Not at that time; no, sir.
 Q. You are pretty well acquainted with the houses?
 A. Yes, sir.
 Q. Did you at one time look at a house there with Judge Swayne?
 A. Well, I rode around in my buggy with him, but I did not go into any of the houses. I pointed out the houses that could be bought.
 Q. Was there a house opposite to you that was for sale?
 A. Yes, sir.
 Q. Whose house was that?
 A. It belonged to Charley Wilson, a place called "Winter Rest."

Q. When was it that that house was for sale?
 A. In 1896 or 1897.
 Q. What sort of a house was that?
 A. It was a fine house. It cost \$15,000, I understand.
 Q. You may state whether or not that house had parlors 40 feet long.
 A. It had a parlor 40 feet long, but it had pillars which obstructed the parlor.
 Q. What did Judge Swayne say about the pillars?
 A. He did not say anything about those pillars, but he described a parlor that would be unobstructed 40 feet long.
 Q. He wanted a parlor 40 feet long without any obstruction?
 A. Yes, sir.
 Q. In this house it was obstructed by pillars?
 A. Yes, sir; by pillars.
 Q. Do you know whether he went into that house, or do you not know?
 A. No, sir; I do not know that.
 Q. Have you any knowledge of Judge Swayne's going into any other house that you pointed out to him?
 A. No, sir.
 Q. What did he say when you pointed out any of these houses? Do you remember?
 A. No, sir; I do not remember.
 Q. You do not remember what he said? You do remember that he did not go in to examine the houses?
 A. He did not go in to examine any houses.
 Q. You were well acquainted with Pensacola during all these years?
 A. Yes, sir.
 Q. Were there houses for sale in Pensacola?
 A. Yes, sir.
 Q. And houses to rent in Pensacola?
 A. Yes, sir.
 Q. Plenty of them?
 A. I do not know about that. There were houses to rent and houses for sale—always have been.
 Q. How many houses did you point out to Judge Swayne that were for sale?
 A. Four.
 Q. What sort of houses were those?
 A. They were nice houses.
 Q. Was there plenty of vacant land and vacant lots in Pensacola?
 A. Yes, sir.
 Q. And still are, I presume?
 A. And still are, yes, sir; acres of them.
 Q. On which it would be possible to build a house?
 A. It would be; yes, sir.
 Q. Lots in a good part of the town?
 A. Yes, sir.
 Q. Do you know whether or not Judge Swayne finally bought a house in Pensacola?
 A. He did.
 Q. When was that?
 A. I think that was in 1902 or 1903.
 Q. A house that belonged to Mr. Blount?
 A. Yes, sir; it belonged to Judge Blount.
 Q. How long had that house been in the city?
 A. About eight years—perhaps eight or nine years.
 Q. Have you ever been in the house?
 A. No, sir.
 Q. What sort of a house was that?
 A. Well, it is a one-story, comfortable house.
 Q. A one-story house?
 A. Not a very pretentious house.
 Q. A smaller house than the house you showed him?
 A. Yes, sir.
 Q. From its outside dimensions, would you think that was a house that contained a 40-foot parlor?
 A. I should think not.
 Q. There would not be room for it in that house, would there?
 A. No, sir.
 Q. Now, down to 1896 did you ever see Judge Swayne in Pensacola except during the periods when, as you understood, the United States court was in session?
 Mr. HIGGINS. Mr. President, I should like to have that question read.
 Mr. Manager PERKINS. Very well; let it be read.
 The PRESIDING OFFICER. The question will be read by the stenographer.
 The question was read by the reporter, as follows:
 Now, down to 1896 did you ever see Judge Swayne in Pensacola except during the periods when, as you understood, the United States court was in session?

Mr. Manager PERKINS. Is there any objection to it?
Mr. HIGGINS. It is very close to a leading question, but we will withdraw any objection to it.

Mr. Manager PERKINS. I do not think it is leading at all. The PRESIDING OFFICER. The witness may answer.

The WITNESS. No, sir; I do not remember of seeing him there at any other time.

Q. (By Mr. Manager PERKINS.) Have you seen Judge Swayne in Pensacola since 1896?

A. Yes, sir.

Q. At what times have you seen him there?

A. At different times when he was holding court and at other times. He has been residing there since 1902, I think.

Q. Has he been residing there since this house was bought of Blount?

A. Yes, sir.

Q. Since that time, whenever that was?

A. Yes, sir; he resided there since then.

Q. And you do not know, do you, whether that purchase was in the spring of 1902 or the spring of 1903?

A. I do not know.

Q. Now, when Judge Swayne stayed with you did he have any of his family with him?

A. He did at times; yes, sir.

Q. Whom?

A. He had his son and daughter, his mother, and his wife there.

Q. How many times?

A. On one or two occasions.

Q. On one or two occasions?

A. Yes, sir.

Q. How long were they there?

A. A very short period.

Q. A few days?

A. Yes, sir; a few days.

Q. Do you remember what was the occasion when his wife was there?

A. No, sir; I do not.

Q. You do not remember about that?

A. No, sir.

Q. Did they leave when he left?

A. Yes, sir.

Q. How many days in the year, or about how many days is it your recollection, that Judge Swayne stopped with you during each year from 1892 to 1896? About how long?

A. Well, it was during the term of court.

Q. How long was that?

A. I think from two weeks to four weeks. I think the court usually held from two to four weeks.

Q. About what was the entire time that he stayed with you in any one year, to the best of your recollection?

A. Well, I should put it at six weeks.

Q. Will you say that he did not exceed six weeks in any one year to the best of your recollection?

A. Yes, sir.

Q. Did you notice any difference between 1892 and 1893 and 1895 and 1896 in reference to Judge Swayne's stays at Pensacola?

A. Yes, sir.

Q. What difference?

A. I noticed that he has been there a great deal more since 1900 than he was previous to that time.

Q. But that was not the question I asked. Just notice, witness, and get your dates right. You say he has been there more since 1900?

A. Yes, sir.

Q. Was there any difference in his stays at your house between 1892 and 1896, when he was staying at your house?

A. No, sir; it was about the same thing.

Q. It was just about the same during those five years?

A. Just about the same thing.

Q. Have you held any other offices in Pensacola since 1890 than postmaster?

A. I have been city councilman, mayor of the city, and on different boards—city boards.

Q. Then you held different official positions between 1890 and 1900?

A. Yes, sir.

Q. How long a portion of the time have you been in Pensacola from 1892 to 1900?

A. A greater portion; nearly all the time.

Q. Nearly all the time?

A. Nearly all the time; yes, sir.

Q. You may state whether or not Judge Swayne left any

directions with you in reference to forwarding letters after the spring term or any term.

A. I do not remember as to letters. He left me his address, at one time at Guyencourt, at another time at Wilmington, Del.

Q. When did he leave you the address at Guyencourt?

A. Well, it must have been along in 1893, 1894.

Q. 1893 or 1894?

A. Yes, sir.

Q. He left you that address when he left your house?

A. Yes, sir.

Q. And when did he leave you the address at Wilmington, Del.?

A. That was about 1900.

Q. About 1900?

A. I think so.

Q. Was that after he had ceased to board with you?

A. Yes, sir.

Q. It was subsequent to that?

A. Subsequent to that; yes, sir.

Q. That he gave you his address at Wilmington, Del.?

A. Yes, sir.

Q. What time of year was that?

A. I do not remember what time of year it was.

Q. Do I understand you to say that you do or do not remember whether Judge Swayne left any address as to where his mail should be forwarded?

A. He did not leave any address as to his mails; that is, not to me as postmaster, but he gave me his address when he left there along in 1893 or 1894 at Guyencourt, and about 1900 he gave me another address, Wilmington, Del.

Q. Was the address given you at Guyencourt in 1893 and 1894 changed down to 1900?

A. I do not remember of its being changed at all.

Q. I thought you said that about 1900 he gave his address at Wilmington?

A. Yes, sir; 1900.

Q. Had there been any change in the Guyencourt address from the time he gave it to you until he gave you the Wilmington address?

A. No, sir.

Q. Did he ever give you any other address?

A. No, sir.

Mr. Manager PERKINS. I think that is all.

Mr. BLACKBURN. I desire to ask the witness a question.

The PRESIDING OFFICER. The question will be read.

The Secretary read as follows:

What rate of board did Judge Swayne pay whilst a boarder in your house?

Mr. Manager PERKINS. Will the Secretary kindly read that again?

The Secretary again read the question.

Mr. FORAKER. Mr. President, in view of what was stated a moment ago on behalf of the managers as to the right of the managers to object to a question propounded by a Senator, and particularly in view of what was stated as to the ruling of the Chief Justice in the trial of Andrew Johnson, I deem it my duty to call attention to the fact that on page 310 of Extracts from Journals of the Senate of the United States of America in Cases of Impeachment I find the following ruling by the Chief Justice.

Mr. Johnson, Senator, having asked a question, objection was made by the managers.

Mr. Manager Bingham having commenced an argument in support of the objection,

Mr. Davis raised the question of order that it was not in order for the managers to object to a question propounded by a member of the Senate.

The Chief Justice ruled that neither the managers nor the counsel had a right to object to a question being put by a member of the Senate, but might discuss the admissibility of the evidence to be given in answer to such question.

The ruling by the Chief Justice was submitted to the Senate and was sustained by the Senate, the rule on that subject being Rule XVIII, Governing Impeachment Trials, which reads as follows:

XVIII. If a Senator wishes a question to be put to a witness, or to offer a motion or order (except a motion to adjourn), it shall be reduced to writing, and put by the Presiding Officer.

In other words, the rule is without qualification; and this is the first time I ever heard it suggested that a court conducting a trial did not have a right to put any question the court might see fit to ask. If there be any ruling such as managers have stated there is, made by the Chief Justice in the course of that trial, I have overlooked it.

Mr. BLACKBURN. Mr. President, I withdraw the question.

The PRESIDING OFFICER. The question is withdrawn.

CROSS-EXAMINATION OF WILLIAM H. NORTHRUP.

By Mr. HIGGINS:

Q. Mr. Northrup, do you know that Judge Swayne after the summer or autumn of 1894, and prior to 1900, when he came to Pensacola always stayed at your house and never anywhere else?

A. He stayed at my house. I do not know of his staying anywhere else.

Q. I say that you know when he stayed at your house?

A. Yes, sir.

Q. But do you know whether he stayed at other times elsewhere than at your house?

A. No, sir; I do not.

Q. You do not?

A. No, sir.

Q. I will ask you if you do not know that he stayed, and frequently stayed, during those years at the Escambia Hotel?

A. I do not remember when he stayed at the Escambia Hotel. I do not remember what the date was.

Q. Do you remember of his being ill at the Escambia Hotel and your nursing him there?

A. I do.

Q. When was that?

A. I do not remember, sir.

Q. Then you do know that you nursed him there once?

A. I do.

Q. And might he not have been there when you did not know it and did not nurse him?

A. It is possible.

Q. I understand you took him and drove to look at houses?

A. Yes, sir.

Q. One drive?

A. Yes, sir.

Q. And that he went into no one of the four houses you showed him?

A. Not to my knowledge.

Q. But you were with him, and you would have seen him?

A. At that time.

Q. On that drive he went into no house?

A. No, sir.

Q. Were those houses for sale or for rent or both?

A. Both.

Q. Both for sale or rent at the time?

A. Yes, sir.

Q. Were they occupied by residents or were they unoccupied houses?

A. I think two of them were occupied; the other two were not.

Q. Could possession of the two that were occupied have been obtained at once, families being already in them?

A. I do not know about that.

Q. You do not know that?

A. I merely know that they were for sale.

Q. Not having gone into the house, Judge Swayne could express no opinion to you as to the character of the house suiting him?

A. No, sir.

Q. Do you know whether he examined properties in Pensacola with anybody else besides you for the purposes of residence?

A. No, sir; I do not know. I have heard that he did.

Q. Do you know when?

A. No, sir.

The PRESIDING OFFICER. If the witness does not know and has only heard, of course he can not state it.

Mr. HIGGINS. Certainly not.

Q. (By Mr. HIGGINS.) What reason did he give for driving around with you to look at those houses?

A. Well, he told me that he intended to purchase a house if he could find one to suit him.

Q. You say that you did not see him except during terms of court?

A. Between 1891 and 1896 I do not remember of seeing him except during the terms of court.

Q. And at that time you were not postmaster?

A. No, sir.

Q. Do you know what is known as the "Simmons cottage?"

A. Yes, sir.

Q. What street is that on?

A. On Wright and Barcelona, I think.

Q. Did Judge Swayne ever occupy that with his family?

A. Yes, sir.

Q. What year?

A. I think it was about 1900.

Q. About 1900. That was then before 1902, of which you speak?

A. Yes, sir.

Q. Then he did live there in 1900, did he? Answer the question, please.

A. I suppose he did.

Q. Do you not know that he did?

A. I know that he rented that cottage and he lived there; yes, sir.

Q. Who were the members of his family there at the time?

A. His wife was with him. I do not know who the members of his family were.

Q. Now, during the time prior to 1900 what members of his family were staying at your house when he was staying with you?

A. His wife came there on one occasion; his daughters and two sons, I think.

Q. On different occasions?

A. I do not remember of their being there except on one occasion.

Q. Now, when he was not there, Mr. Northrup, when he was not, within your knowledge, in Pensacola, have you any knowledge as to where he was—whether he was holding court elsewhere, away on other business?

Mr. Manager PERKINS. Mr. President—

Mr. HIGGINS. This is cross-examination.

Mr. Manager PERKINS. It is not cross-examination; but if the witness knows, I do not object.

Mr. HIGGINS. He is your witness.

Mr. Manager PERKINS. I do not object at all.

Mr. HIGGINS. Go ahead and answer.

The WITNESS. I do not know where he was; no, sir.

Q. (By Mr. HIGGINS.) You do not know where he was at all? Do you know what took him away from Pensacola after court was over?

A. I know at times he had been holding court in Texas, in Louisiana also, I think, and other places.

Q. And so far as you know the only address that he gave to you when he left your house was once at Guyencourt, Del., and another time at Wilmington, Del.? Is that right?

A. That is right.

Q. Can you tell us when he gave you the Guyencourt address?

A. No, sir; I do not remember.

Q. The year?

A. I do not remember the year; no, sir.

Q. Was it before 1896 or after?

A. Yes, sir; 1893 or 1894, I should think.

Q. When did he give you the Wilmington address?

A. I think that was about 1900.

Q. Do you know how long those addresses stood with you as the ones that would reach him?

A. No, sir; I do not.

Mr. HIGGINS. I have no further question.

By Mr. Manager PERKINS:

Q. Just a question, please. You said you remember the time when Judge Swayne was sick at the Escambia Hotel?

A. Yes, sir.

Q. Was that during the years that he boarded at your house or subsequent?

A. I think it was along in 1897—about 1897 or 1898.

Q. 1897 or 1898?

A. That he was sick at the Escambia Hotel.

Q. You spoke of a cottage. What was the name of the cottage rented in 1900?

A. The Simmons cottage.

Q. Were you ever in that cottage?

A. I have been in the hallway only. I just opened the door and stepped inside the hall.

Q. How often?

A. Only once.

Q. Have you any personal knowledge of how long Judge Swayne stayed in that cottage?

A. No, sir; I do not know.

Q. You have no personal knowledge about it?

A. No, sir. I know he rented it and was in there.

Q. Did he ever, when he was boarding with you or subsequently, have any talk with you about Guyencourt?

A. Yes, sir; he often spoke of Guyencourt.

Q. When?

A. I do not remember the date or the occasion.

Q. Did he speak of Guyencourt more than once?

A. In speaking of his horses. I have heard him speak of his horses being at Guyencourt.

Q. Were his horses ever at Pensacola, to your knowledge?

A. No, sir.

Q. What else did he say in reference to the Guyencourt house? How did he refer to it?

A. He referred to it as "the old homestead."

Q. Did that occur once or many times?

A. Well, he always, whenever referring to it, referred to it as "Guyencourt, the old homestead."

Q. You have seen Judge Swayne from time to time since 1896?

A. Yes, sir.

Q. You are on friendly terms with him?

A. Yes, sir.

Q. You may state whether or not he has talked with you with reference to Guyencourt.

A. Yes, sir.

Q. You may state whether or not he has always spoken of it in the same way—whether he has made any change in the way he referred to it.

A. He has always spoken in the same way to me.

Q. How long did I understand you to say that Judge Swayne and his wife and daughter stopped with you at your house?

A. I said for a short time. I do not remember how long they were there.

Q. What do you mean by "a short time?"

A. Perhaps ten days, or such a matter—a week or ten days, I should say.

Q. Did they stop with you at any other time than that week or ten days from 1892 to 1896?

A. I only remember of their being there at that time.

Q. Once?

A. Once.

Q. How many times do you remember any of the boys being there?

A. I remember the boys being there during the summer time on the occasion when they came down with Judge Swayne. They were around there for a short time—I do not remember how long.

Q. More than once?

A. I only remember of their being there once.

Mr. Manager PERKINS. I think that is all the questions we have to ask.

Mr. HIGGINS. We have no further questions, Mr. President.

Mr. MALLORY. Mr. President, I should like to propound a question to the witness.

The PRESIDING OFFICER. The Senator from Florida [Mr. MALLORY] desires to submit a question to the witness, which will be read by the Secretary.

The Secretary read as follows:

Q. Were you not intimate with Judge Swayne? If you say you were, will you state whether or not before 1902 he ever remained in Pensacola more than a few days when his court was not in session?

The PRESIDING OFFICER (to the witness). The first part of the question was whether you were intimate with Judge Swayne.

A. I am perfectly intimate, and I do not remember of his being there for any length of time, except during the term of court.

Q. (By Mr. HIGGINS.) Does that include the time after he rented the Simmons cottage?

A. I do not remember how long he was in the Simmons cottage.

Q. Answer my question. You say that you do not know of his remaining in Pensacola more than a few days after any term of court. I will ask you if that was true after he rented the Simmons cottage?

A. Yes, sir; that is true after he rented the cottage. I do not remember whether he was in there. I did not come in communication with him in any way.

Q. So that you did not know whether he was in town or not?

A. I did not know.

Mr. Manager PERKINS. We have nothing more, Mr. President.

Mr. Manager PALMER. Mr. President, the managers have been asked for the particular authority for making objection to a question asked by a Senator. I refer the Senator from Ohio [Mr. FORAKER] to the Congressional Globe, volume 40, trial of Andrew Johnson, page 169, in which the Chief Justice made this ruling—

Mr. FORAKER. Will the manager kindly give the date of the proceeding, so that I may refer to it?

Mr. Manager PALMER. The 13th of April, 1868, page 169. The ruling was as follows:

The CHIEF JUSTICE. The honorable manager will wait one moment. When a member of the court propounds a question it seems to the Chief Justice that it is clearly within the competency of the managers to object to the question being put and state the grounds for that objection as a legal question. It is not competent for the managers to object to a member of the court asking a question; but after the question is asked it seems to the Chief Justice that it is clearly competent for the managers to state their objections to the questions being answered.

The PRESIDING OFFICER. The manager will allow the

Presiding Officer to refer to the ruling which was cited by Senator FORAKER. It is in these words:

The Chief Justice ruled that neither the managers nor the counsel had a right to object to a question being put by a member of the Senate, but might discuss the admissibility of the evidence to be given in answer to such question.

The ruling seems to be that an objection can not be made to a Senator putting a question, but that the admissibility of the evidence to be given might be objected to and discussed.

Mr. Manager PALMER. That is right. That is what we understood. We objected to the admissibility of the answer to such a question, because we did not think it was a legal question.

The PRESIDING OFFICER. That is what the Chair understood; not that the managers objected to a question being put by a Senator, but objected to the question being answered.

Mr. Manager PALMER. Yes; we objected to its being answered, not to its being asked.

Mr. FORAKER. The objection to the answer goes only to the admissibility of the evidence; in other words, the managers can only raise the question of competency—of relevancy.

Mr. Manager PALMER. That is all.

Harry E. Graham sworn and examined.

By Manager PERKINS:

Question. What is your full name?

Answer. Harry E. Graham.

The PRESIDING OFFICER. One moment, please. The Presiding Officer, of course, does not wish to limit the managers of the House or the counsel for the respondent as to the time taken in any necessary examination of witnesses, but it is evident to all that the Senate must conclude this case as quickly as it is possible for it fairly to do so. The Presiding Officer trusts that in the examination of witnesses care will be taken not to call their attention to immaterial points, but to proceed on material points only.

Mr. Manager PERKINS. That has been the endeavor of the managers, Mr. President.

Q. (By Mr. Manager PERKINS.) Where do you live?

A. At Pensacola, Fla.

Q. At what hotel do you live?

A. At the Escambia Hotel.

Q. Have you with you the registers of the Escambia Hotel?

A. I have for certain years.

Q. Produce them. For what years?

A. 1898, 1899, and 1900.

Q. Did you find any prior registers?

A. I did not.

Q. Did you examine the registers you found for 1898?

A. Yes, sir.

Q. Did you examine those registers to see where was found the name of Charles Swayne?

A. Yes, sir; I did.

Q. Have you the registers here?

A. I have them here in the Sergeant-at-Arms's office.

Q. You had better produce them, then. You may state where you found the name of Charles Swayne registered and what you found.

The WITNESS. May I refer to memoranda?

Mr. Manager PERKINS. Yes, sir; unless objection be made.

The WITNESS. I will state the first—

Mr. Manager PERKINS. Wait half a minute until we can hear. Now, state—

Mr. HIGGINS. What is the question?

Mr. Manager PERKINS. I ask where the witness found the name of Charles Swayne registered, and what he found?

Mr. HIGGINS. We should like the books here before that is done. Let the witness bring the books, and let them speak for themselves.

Mr. Manager PERKINS. Very well. I supposed he had brought the books in.

The books were produced and placed before the witness.

Q. (By Mr. Manager PERKINS.) Now, will you refer to and read the first entry you found? What is the first entry you found?

A. The first entry I found is dated—

Mr. Manager PERKINS. We offer the entry in evidence, and the witness will read it, if there be no objection.

Mr. HIGGINS. We will look at it.

Mr. Manager PERKINS (to the witness). Go on.

The WITNESS (examining book). The first entry is under date of Saturday, May 28, 1898—"Charles Swayne, St. Augustine, Fla."

Q. (By Mr. Manager PERKINS.) Whose handwriting is that in? Do you know?

A. I beg your pardon.
 Q. When is the next entry you find?
 A. The next entry is dated Friday, November 11, 1898—"Charles Swayne, Fla."
 Q. Are there any other entries in the year 1898?
 A. Yes, sir; there is one other.
 Q. When is that?
 A. Under date of Thursday, December 8, 1898.
 Mr. HIGGINS. December?
 The WITNESS. December 8, 1898—"Charles Swayne, Fla."
 Q. (By Mr. Manager PERKINS.) What entries do you find in 1899?
 A. I have several entries in 1899.
 Q. Well, you may give the dates.
 A. Under date of Thursday, January 26, 1899—"Charles Swayne, Fla."
 Q. When is the next entry?
 Mr. HIGGINS. What year was that—1899?
 The WITNESS. 1899.
 Q. (By Mr. Manager PERKINS.) What is the next entry?
 A. Under date of Sunday, March 19, 1899—"Charles Swayne, City."
 Q. What next?
 A. Under date of Wednesday, October 4, 1899—"Charles Swayne, City."
 Q. When next?
 A. Saturday, November 11, 1899—"Charles Swayne, City."
 Q. Well, what next?
 A. Friday, November 24, 1899—"Charles Swayne, City."
 That is all for 1899. I have some for 1900. Shall I read them?
 Q. Do you say that there are any entries in 1900?
 A. Yes, sir.
 Q. Well, state them briefly, as quickly as you can.
 A. The first one is Monday, January 22, 1900—"Charles Swayne, City."
 Q. Are there any others?
 A. Yes, sir; Thursday, May 3, 1900, "Charles Swayne and wife, city."
 Mr. HIGGINS. May 3 or May 30?
 The WITNESS. May 3.
 Q. (By Mr. Manager PERKINS.) Is that all?
 A. No, sir; Wednesday, November 7, 1900, "Charles Swayne, city."
 Q. Does that close 1900?
 A. That closes 1900.
 Q. Well, now, are there any other entries of his name on the books of the hotel in 1898, 1899, and 1900?
 The WITNESS. Is his name on the register, you mean?
 Mr. Manager PERKINS. Yes; on the register.
 A. No, sir; I have not found any.
 Q. Very well. Do the books of the hotel show how long he stayed there?
 A. In some cases I find they show the date of the departure and in other cases they do not.
 Q. Do they show the amounts for board that were paid?
 A. They show the amounts; yes, sir.
 Q. The amounts paid. You live in this hotel?
 A. I do; yes, sir.
 Q. What is the rate per day there?
 A. Well, the rates differ. They run from \$2 a day up. The ordinary rate there is \$2.
 Q. Very well, take it at \$2, giving the judge the benefit of the doubt, what was the amount that he paid on these various items beginning in 1898?
 Mr. HIGGINS. We want the books.
 Mr. Manager PERKINS. You may have them, if you so desire. The witness may make the statement, and that will save time. If you will not take his statement, of course—
 The WITNESS. I have the ledgers here.
 Mr. Manager PERKINS. If counsel want it from the books, the witness will read it from the books.
 The WITNESS. On the first date, of May 28, 1898, the amount of the bill was \$14.90.
 Mr. HIGGINS. How much per day?
 The WITNESS. The rate is written here \$2.
 Q. (By Mr. Manager PERKINS.) What is the next one?
 A. On November 11, 1898, \$18.50.
 Mr. HIGGINS. What is the rate?
 The WITNESS. The rate is not given.
 Mr. HIGGINS. Well, now, if the court please, where the rate is not given and it is not known, it is perfectly conjectural how long a time that bill calls for.
 The WITNESS. I will state that the ledger shows the length of time in this case.

Mr. HIGGINS. If you give the length of time, that is all right.
 The WITNESS. He registered on the 11th of November and left on the 20th.
 Q. (By Mr. Manager PERKINS.) Whenever the ledger shows the time he left, witness, state that.
 A. Yes, sir. On the 8th of December, 1898, the amount of his bill is \$22.60. The ledger shows that he left on the 18th of December.
 Mr. HIGGINS. On the 18th?
 The WITNESS. On the 18th of December; yes, sir. On the 26th of January, 1899, the bill was \$5.75. The rate is not given and the time of departure is not given.
 On the 19th of March, 1899, the amount of the bill is \$13. The rate is not given and the time of departure is not given.
 On the 30th of April, 1899, there is an entry for Judge Swayne and for Henry C. Swayne. I will state that I did not find the register to correspond with this entry on the ledger. This shows—
 Mr. HIGGINS. That is March 30?
 The WITNESS. No; April 30—the 30th of April, 1899. It shows that Charles Swayne and Henry C. Swayne began day board at \$1.25 per day. That is marked here. There is no room indicated. The amount of that bill is \$18.75.
 On October 4, 1899, the amount of his bill is \$4.50. There is an item here, "October 6," which apparently is the time he left, but I do not know.
 Under date of November 11, 1899, the amount of the bill is \$14, and it is noted here that he left on the 20th of November.
 On November 24 the amount of the bill is \$17. There is an entry apparently where he left—"Breakfast on the 3d of December."
 On the 22d of January, 1900, the amount of the bill was \$9.50. He left on the 27th.
 On the 3d of May, 1900, which is the date he registered "Charles Swayne and wife," the amount of the bill is \$54.90. It does not show the time of departure nor the rate.
 Those are all the entries I find on this ledger.
 Q. (By Mr. Manager PERKINS.) You have given all the entries you find on the ledger?
 A. Yes, sir.
 Q. Now, I should like to ask—
 The WITNESS. There is one other register on the 7th of November, 1900, but I could not find the ledger that corresponded to that.
 Q. You could not find the amount that he paid in that time?
 A. No, sir.
 Mr. Manager PERKINS. Now, I should like to ask the counsel for the respondent whether they concede that the entries upon the register are in the handwriting of Charles Swayne? If they do not we will prove it, but not by this witness.
 Mr. HIGGINS. They are all in one handwriting. We do not doubt that at all.
 Mr. Manager PERKINS. Is it conceded that they are in the handwriting of Charles Swayne?
 Mr. HIGGINS. That is substantially an affirmative answer to the learned manager.
 Mr. Manager PERKINS. That is all sufficient.
 The PRESIDING OFFICER. Do counsel desire to cross-examine the witness?
 Mr. THURSTON. We do not desire any cross-examination.
 The PRESIDING OFFICER. The next witness will be called.
 Mr. Manager PERKINS. The next witness is J. Emmett Wolfe.
 J. Emmett Wolfe, sworn and examined.
 By Mr. Manager PERKINS:
 Question. Where do you live?
 Answer. Jacksonville, Fla.
 Q. How long have you lived there?
 A. Thirty-eight years, I think.
 Q. What is your business.
 A. I am a lawyer.
 Q. Have you held any official position there; and if so, what?
 The WITNESS. Do you mean in connection with the court or otherwise?
 Mr. Manager PERKINS. In connection with the court.
 A. I was, for about six years, assistant United States attorney and United States attorney of the United States court for the northern district of Florida.
 Q. In what years?
 A. Commencing in 1893 and ending in 1900.

Q. During that time did you know Judge Swayne?
 A. Yes, sir.
 Q. He was the judge of the court of which you were the attorney?
 A. Yes, sir.
 Q. Did you have occasion to see him?
 A. I saw him at every term of court held during those years.
 Q. From 1894 how much of the year was Judge Swayne in Pensacola?
 The WITNESS. Commencing with the year 1894?
 Mr. Manager PERKINS. Yes.
 The WITNESS. Up to what year?
 Mr. Manager PERKINS. Down to 1900.
 A. I should say an average of sixty days during the year at Pensacola and Tallahassee.
 Q. How many terms of the court were there in Pensacola?
 A. Two terms in Pensacola a year and two at Tallahassee.
 Q. You may state whether the court went from Pensacola to Tallahassee.
 A. Generally immediately after the Pensacola term the Tallahassee term was held.
 Q. Did you know when Judge Swayne arrived in Pensacola?
 A. I always knew it, I think; yes, sir.
 Q. Did you know when he left?
 A. Generally; yes, sir.
 Q. When did he arrive?
 A. He arrived generally the night before or the morning when the term of court opened. That was the usual rule.
 Q. When did he leave?
 A. And he generally left the night when court adjourned or the following day or shortly thereafter, as a rule.
 Q. You mean he left Pensacola?
 A. He left Pensacola.
 Q. During those years did you know of his being in Pensacola at any time except during the terms of court; and if so, when?
 A. Yes. He generally came to Pensacola in the middle of the summer for a day, or, perhaps, two days, and generally in the middle of the winter—that is, January—for a day or two, either at Pensacola or Tallahassee; and once or twice I remember his being there for several days when court was not in session hearing admiralty cases and demurrers.
 Q. What business brought him there in the summer and in January?
 A. Generally the business of approving the accounts of court officers.
 Q. Was he there at any other time except when he was brought there by the business of the court?
 A. Not usually. I do not recall his being there at other times during those years.
 Q. Was there any difference in his stays at Pensacola between the years 1893 and 1894 and the years 1896 to 1900, if you remember?
 A. I think probably toward the latter of those years; that is, 1898, 1899, and possibly in 1890, his stays were somewhat lengthened. Gradually there seemed to be more time spent in the district.
 Q. Did you have occasion to apply to Judge Swayne for various orders in the court?
 A. Yes, sir; at various times we had orders to be signed by him.
 Q. Where did you send those orders when he was not holding court in Pensacola?
 A. We sent them to Guyencourt, Del.; that is, after 1896. I think until 1896 Judge Swayne had a home in St. Augustine.
 Q. Where did you send them down to 1896—to St. Augustine?
 A. In the winter time to St. Augustine, but I can not say certainly that I ever addressed Judge Swayne at St. Augustine. I do not recall it now.
 Q. What do you say?
 A. I am not certain that I ever addressed Judge Swayne at St. Augustine, but he did have a winter home at St. Augustine up to 1896, according to the best of my knowledge. After that, when he was not in the city I addressed him at Guyencourt, Del.
 Q. You wrote him at Guyencourt at any time other than when he was holding court in Pensacola?
 A. At any time when he was not in Pensacola; yes, sir.
 Q. What sort of orders did you have to send there?
 A. They were formal orders, usually for drawing juries, possibly some orders on demurrers, and applications for pardon, that had to be signed by Judge Swayne as district judge. Those were the orders that I had to have signed.

Q. During the years from 1894 to 1900, did you know of any place where Judge Swayne resided in Pensacola?
 A. I knew that he boarded, when in the city, for such times as he would be in the city, at Captain Northrup's, and one winter, for about thirty days, possibly—I think it was probably in 1900—he had a residence rented in Pensacola.
 Q. Where was that?
 A. That was what is called the Simmons residence on North Barcelona street.
 Q. How long was he there?
 A. I should say sixty days, as a fair estimate, within my knowledge.
 Q. Was he at the Simmons cottage any more than sixty days from 1900 down to 1903?
 A. The only time I recall his living in that cottage was that one winter. He may have lived there longer. I can not say certainly about that. But that is the only year—
 Q. Have you any knowledge of his living there except about sixty days during the winter of 1900?
 A. That is my recollection. I am not, of course, perfectly clear on points of that kind. They are too far back.
 Q. That is your recollection. Do you remember any remarks made by Judge Swayne at any time in reference to adjourning his court at Pensacola?
 A. I recall that several times adjournments did occur for different reasons. I remember one instance in which Judge Swayne stated, I think, that he was desirous of adjourning court because either his son was to graduate or he desired to see him before he went on a journey, I think to Cuba. I am uncertain as to which one of these reasons was given.
 Q. Any other occasion?
 Q. At another time I understood his wife's health was not good and he wanted to return to her as quickly as possible. At other times I understood he had to hold terms in other districts, and therefore the terms at Pensacola had to be shortened.
 Q. Did he ever say anything to you about sending papers to Guyencourt?
 A. His directions generally were if I desired to communicate with him I could send matters to Guyencourt.
 Q. You may state whether or not at any time cases brought by the Government were postponed on account of the fact that the judge was not present in Pensacola.
 A. There were certain cases postponed at times when the terms of court were shortened. Cases which otherwise would have been tried were continued by reason of the adjournment of the court.
 Q. When was the spring term held?
 A. By law it is fixed in March. It is usually held in April or perhaps early in May.
 Q. When was the next term of court held after the May term?
 A. In November, as a rule.
 Q. And a case that went over at the May term stood over until November?
 A. Yes, sir.
 Mr. Manager PERKINS. I think that is all. Cross-examine.
 Cross-examined by Mr. HIGGINS:
 Q. Mr. Wolfe, you say Judge Swayne was in Pensacola sixty days during the year?
 A. I say that would be an estimate. In my judgment that would cover the number of days, on an average, that he was there during the year between the years 1894 and 1900.
 Q. Did you always have personal knowledge as to whether he was there or not there?
 A. I think so.
 Q. Why?
 A. Because of my official connection with the court.
 Q. Did the fact that you were United States attorney lead you always to know whether the Judge was in town or not?
 A. It gave me a very lively interest in the court—
 Mr. HIGGINS. I understand that.
 A. The Judge, and everything pertaining to it.
 Q. But when court was not in session, there was no occasion for the Judge to be at the court?
 A. No; not necessarily.
 Q. Therefore he might have been in town and you not know it?
 A. I should hardly think so.
 Q. I say he might have been.
 A. He might have been.
 Q. He might have been. That is it. You say you never wrote any letter to him when he was away other than to Guyencourt?
 A. Not to my knowledge.

Q. And you never addressed a letter to him at St. Augustine?

A. Not to my knowledge; not to my recollection at this time, although I may have written such letters.

Q. But you have no recollection of it. Have you any knowledge of your own as to any residence he had outside of Pensacola?

A. No, sir; except what he told me about sending letters, and a conversation about his home in Guyencourt and his horses and farm.

Q. Then his home and his horses and his farm at Guyencourt constitute the indication you gained from him by conversation as to where he had a residence, if it was not in Pensacola?

A. Yes, sir; I should say that.

Q. Can you state to the court how long, during these absences, he was holding court elsewhere out of his district?

A. No, sir; I can not tell.

Q. So that these absences might have been when he was holding court in other places?

A. I always knew during those years of his being detailed to hold court in other districts, because generally something was said about the fact by Judge Swayne himself, or by some of the officers of the court, that at a certain date he was detailed to go to another district.

Q. And it was because of such service, imposed upon him under law, that at times the terms of the court at Pensacola were, as you have termed it, shortened?

A. Some of them; yes, sir.

Q. And at times, because of such absences, orders had to be sent to the judge for signature?

A. Some of them.

Q. You can not say where he was when he was not in Pensacola?

A. No, sir; except as I had been directed to address him at Guyencourt.

Mr. HIGGINS. I think that is all.

Reexamined by Mr. Manager PERKINS:

Q. When Judge Swayne was not holding court at Pensacola, were you ever directed to address him anywhere except at Guyencourt?

A. I can not say about that.

Q. Have you any recollection?

A. I might have been given directions to send letters to New Orleans. I do not recall any communication addressed to any other place than Guyencourt, although such communications may have passed.

Q. How many times were you told to address him at Guyencourt?

A. It occurred several times through these years, as he would be going away.

Q. What did he say to you in reference to Guyencourt or his home in Guyencourt?

A. He never said anything specific that I can recall now on a certain occasion, except occasionally I have heard him mention the fact that he had a home there and had horses and had a farm. He spoke of driving his horses.

Q. He had a home and a farm and horses at Guyencourt?

A. That is generally, I should say, his language.

The PRESIDING OFFICER. Were not similar questions asked on the direct examination?

Mr. Manager PERKINS. I think not; but if so, I beg pardon. We have nothing more.

Mr. FAIRBANKS. I submit an order as a modification of the order agreed to yesterday with respect to printing the proceedings in document form; and I ask for its adoption.

The order was read and agreed to, as follows:

Ordered, That 600 copies of the proceedings of the Senate sitting in the trial of the impeachment of Charles Swayne be printed daily, 200 for the use of the Senate and 400 for the use of the House of Representatives, and that the "usual number" be not printed until the close of the trial, when the entire proceedings shall be printed as a document.

Mr. FAIRBANKS. I understand it will be quite agreeable to all parties concerned if the Senate sitting as a court of impeachment should now adjourn; and I make that motion.

The motion was agreed to; and (at 4 o'clock and 25 minutes p. m.) the Senate sitting as a court of impeachment adjourned until Monday, February 13, at 2 o'clock p. m.

The managers on the part of the House and the respondent and his counsel thereupon retired from the Chamber.

The PRESIDENT pro tempore resumed the chair.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the

consideration of executive business. After one hour and fifty-eight minutes spent in executive session the doors were reopened and (at 6 o'clock and 25 minutes p. m.) the Senate adjourned until Monday February 13, 1905, at 12 o'clock meridian.

ARBITRATION TREATY WITH MEXICO.

The injunction of secrecy was removed February 11, 1905, from an arbitration convention between the United States and Mexico, signed on January 18, 1905.

ARBITRATION TREATY WITH SWEDEN AND NORWAY.

The injunction of secrecy was removed February 11, 1905, from an arbitration convention between the United States and Sweden and Norway.

HOUSE OF REPRESENTATIVES.

SATURDAY, February 11, 1905.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

HIGHWAY BRIDGE ACROSS POTOMAC RIVER, WASHINGTON, D. C.

Mr. OLMSTED. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution 65, providing for an extension of time for completing the highway bridge and approaches across the Potomac River at Washington, D. C.

The Clerk read the bill, as follows:

Resolved, etc., That the time for completing the construction of the highway bridge and approaches across the Potomac River authorized by section 12 of the act of Congress approved February 12, 1901, entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company, in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes," as amended by the District of Columbia appropriation act approved July 1, 1902, be, and is hereby, extended to February 12, 1906.

The SPEAKER. Is there objection?

Mr. RIXEY. Mr. Speaker, reserving the right to object, I would like to ask the gentleman something about this. I did not catch the reading of the first part of the resolution.

Mr. OLMSTED. It simply extends for one year the time for the completion of the Potomac River bridge.

Mr. RIXEY. The highway bridge?

Mr. OLMSTED. Yes; it is unanimously reported by the Committee on Interstate and Foreign Commerce at the special request of the Secretary of War in a letter to the Speaker.

Mr. RIXEY. The time has been extended twice before.

Mr. MANN. Oh, the gentleman is mistaken. The fact is that in the original bill the time for the completion is the 12th or 13th of this month. The work on the contract has been delayed, possibly the fault of the contractor. The work is being done under the supervision of the War Department. We do not in any way affect any penalty against the contractor, but unless the time is extended the work must cease on the bridge. There has been no extension heretofore of the time for completion. The original act provides for the building of a bridge by the Pennsylvania Company, which has been completed. This is a highway bridge which the Government is building.

Mr. RIXEY. Is it not a fact that the Pennsylvania Railroad Company is also building this bridge under contract with the War Department?

Mr. MANN. Not at all.

Mr. RIXEY. I think the gentleman will find that he is mistaken when he states there has been no extension of time heretofore.

Mr. MANN. I will say that we had before our committee, when this resolution was ordered favorably reported, the original act. I did not myself examine it, but it was stated that the original act provided that the bridge should be completed during this month, so that there was no need of any extension of time.

Mr. OLMSTED. This is the provision in the contract, Mr. Speaker:

The contractor will be required to commence the work within thirty days after notification by the Chief of Engineers of the United States Army and prosecute the said work in a faithful and energetic manner, and complete it on or before February 12, 1905.

The Pennsylvania Steel Company, and not the Pennsylvania Railroad Company, is the contractor.

Mr. RIXEY. Mr. Speaker, I will make no objection, but I hope they will not come in again with another plea for an extension of time.